

By Mr. STINESS: A bill (H. R. 10101) granting a pension to Mary E. Gould; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 10102) for the relief of A. H. Holloway; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Grand Army of the Republic, favoring an additional appropriation of a sum not exceeding \$50,000 to be added to the \$32,000 unexpended surplus fund reappropriated by act of Congress approved July 11, 1919, for the erection and completion of the national memorial archway at Vicksburg National Military Park; to the Committee on Appropriations.

By Mr. CURRY of California: Petition of S. B. Peart, J. B. Errecart, and Western Sheep Co., of Stockton, Calif., and A. L. Beal, of San Francisco, Calif., favoring the protection of the sheep industry in the United States; to the Committee on Ways and Means.

Also, petition of Lompoc Valley Bank and the Lompoc Valley Chamber of Commerce, of Lompoc, Calif., in favor of an adequate tariff on foreign-grown beans; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of Michael Davitt Branch, Friends of Irish Freedom, requesting Congress of the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of National Editorial Association, protesting against the repeal of the zone postage law; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of Roxbury Council, No. 123, Knights of Columbus, of Boston, Mass., protesting against the delay and lack of attention shown by the Government in its handling of the cases of many of its disabled soldiers who have been discharged from service with promises of compensation; to the Committee on Military Affairs.

By Mr. MACGREGOR: Petition of Industrial Traffic Club, of Buffalo, N. Y., protesting against the passage of the Cummins bill (S. 2906); to the Committee on Interstate and Foreign Commerce.

Also, petition of Buffalo Chamber of Commerce, protesting against many of the provisions of the Senate subcommittee bill (S. 2906); to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: Petition of sundry citizens of the State of New York, protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of sundry citizens of Buffalo, N. Y., protesting against the passage of the so-called Siegel bill (H. R. 8315); to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Letter from the Pasadena Ice Co., of Pasadena, Calif., protesting against the bill introduced by Representative SIEGEL providing that the cost mark be placed on all merchandise when offered for sale; to the Committee on Agriculture.

Also, letter from the California Sugar & White Pine Co., of San Francisco, Calif., protesting against the bill introduced by Representative SIEGEL known as the cost-mark bill; to the Committee on Agriculture.

Also, letter from the California Sugar & White Pine Co., of San Francisco, protesting against a bill introduced by Representative JEFFERIS which prohibits the exporting of lumber from the United States; to the Committee on Ways and Means.

By Mr. SANDERS of Indiana: Petition of J. L. Short and other residents of Brazil, Ind., favoring the passage of House bill 8157, known as Plumb plan; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, October 22, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we look to Thee for Thy guidance to-day. We pray for the grace of patriotism—a patriotism founded upon regard for Thy law and reverence for Thy name and a supreme concern for Thy will. We pray that our Nation, established in righteousness, may continue to accomplish the will of God and may receive from day to day the blessing and direction of the great God of righteousness and truth. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture transmitting, in response to a resolution of the 1st instant, a statement regarding foreign marketing work of the Bureau of Markets, which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I present a resolution of the letter carriers of Emporia, Kans., which I ask to have printed in the Record.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution adopted by the Rural Letter Carriers' Association of the fourth congressional district at their meeting held in Emporia September 1, 1919.

EMPORIA, KANS., September 1, 1919.

DEAR SIRS: We, the rural letter carriers of the fourth congressional district of the State of Kansas, now in session, beg leave to have you make this statement in Congress: "That the rural letter carriers are subjected to such an increased cost of living and equipment and upkeep of same that we are in dire need of immediate help, and must have it if we are to be able to keep up with the present cost, and that we ought to have at least 40 per cent increase on the salary now received."

T. D. LITTLE,
C. C. PHELPS,
A. W. REED,
Committee.

Mr. SMITH of South Carolina. I ask unanimous consent to have printed in the RECORD a resolution from Old Hickory (Thirtieth Division) Association, favoring immediate ratification of the treaty of peace with Germany.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

OLD HICKORY (THIRTIETH DIVISION) ASSOCIATION.

Resolution favoring immediate ratification of the treaty of peace with Germany.

Whereas it was the high honor of the Thirtieth Division, American Expeditionary Forces, to play an important part in bringing the long and terrible war with Germany and her allies to a successful close; and

Whereas we believe it is necessary to the future peace and welfare of the United States and of the world that the treaty of peace with Germany, including the league of nations covenant, be ratified by the United States without further delay, leaving all imperfections or imagined errors therein to be corrected hereafter by the use of the adequate machinery provided therein for that purpose: Be it

Resolved, First, that it is the sentiment of this association that the treaty of peace with Germany, including the league of nations covenant, should be immediately ratified in its present form without amendment or reservation, and the Senate of the United States is respectfully urged to do its part to that end, in order that the spiritual and material blessings of peace may once more be restored to the world, in order that the danger of future wars may be lessened and in order that we as a nation may live up to the high purposes for which we entered the war and for which so many members of our division gave their lives upon the battle fields of France and Belgium.

Second, that copies of this resolution be sent to the President of the United States, the President of the United States Senate, the United States Senators from North Carolina, South Carolina, and Tennessee, and copies be given to the press.

Mr. WARREN presented a petition of the Retail Grocers and Butchers' Association, of Cheyenne, Wyo., praying for the enactment of legislation to decrease the high cost of living, which was referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented a petition of the National Association for the Advancement of Colored People, of Newark, N. J., praying for the passage of Senate Resolution 189 for the protection of the colored race, which was referred to the Committee on the Judiciary.

Mr. NEWBERRY presented a telegram in the nature of a petition from the Michigan Baptist Ministers' Association, of Flint, Mich., and a petition of the Association of Congregational Churches, of Saginaw, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Detroit, Mich., remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of the city council of Minneapolis, Minn., praying for Federal regulation of the manufacture and distribution of sugar, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented a petition of sundry citizens of Berkeley, Calif., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Woodston, Kans., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of Subordinate Lodge No. 292, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of Parsons, Kans., remonstrating against the passage of the so-called Cummins bill for the operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Rural Letter Carriers' Association of the Fourth Congressional District of Kansas, praying for an increase in salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

STEPHEN A. WINCHELL.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 1374) for the relief of Stephen A. Winchell, reported it without amendment and submitted a report (No. 274) thereon.

EXTENSION OF PASSPORT CONTROL.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, with an amendment, the bill (H. R. 9782) to regulate further the entry of aliens into the United States.

The bill is of great importance, and I think there is no objection to it. The committee was unanimous in reporting it favorably. It passed the House of Representatives by a vote of 284 to 1, I believe, and its passage is recommended by the State Department and by the President. The purpose of the bill is to extend the present passport arrangements until suitable legislation in reference to immigration is perfected and passed by the two Houses, which ought to be done as soon as possible, but it will take some time to enact such legislation. I ask unanimous consent for the present consideration of the bill.

Mr. MYERS. I will ask the Senator from Massachusetts if the consideration and passage of the bill will require much time?

Mr. LODGE. I have just reported the bill from the Committee on Foreign Relations. I do not think it will take more than a few moments to pass it.

Mr. POINDEXTER. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this act;

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use;

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé, or other permit or evidence of permission to enter the United States;

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 3. That the term "United States" as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

SEC. 4. That in order to carry out the purposes and provisions of this act the sum of \$600,000 is hereby appropriated.

SEC. 5. That this act shall take effect upon the date when the provisions of the act of Congress approved the 22d day of May, 1918,

entitled "An act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect for a period of one year thereafter.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment, in section 5, page 5, line 3, after the word "operative," to strike out "and shall continue in force and effect for a period of one year thereafter."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LODGE. I ask to have printed in connection with the bill the report of the House committee, which took some testimony and presented an excellent report. I also ask that the message of the President, the letter of the Secretary of State to the President, and the paraphrase of telegrams from our ambassadors relating to the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[House Report No. 382, Sixty-sixth Congress, first session.]

The Committee on Foreign Affairs, to which was referred the bill (H. R. 9782) to regulate further the entry of aliens into the United States, having had the same under consideration, reports it back to the House with certain amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The amendments are as follows:

Page 3, line 7, strike out "\$10,000" and insert "\$5,000."

Page 3, line 8, strike out "twenty" and insert "five."

Your committee, in considering legislation of this character, has had the benefit of the testimony of the Secretary of State, of Hon. Wilbur J. Carr, Director of the Consular Service, and of R. W. Flournoy, Jr., Chief of the Division of Passport Control of the State Department. Hon. ALBERT JOHNSON, of Washington, the author of House joint resolution 205, for which the present bill is in the nature of a substitute, also appeared before the committee in behalf of legislation of this character.

The act of Congress entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," approved May 22, 1918, established a strict system of passport control for all travelers to and from the United States, whether American citizens or not. By its terms, this act ceases to be operative with the termination of the present war. The recommendation of the Secretary of State is to the effect that so far as persons entering the United States, whether American citizens or aliens, are concerned, the act should, for the national welfare, be extended for a period of one year beyond the termination of the war. Your committee, after careful consideration, has decided that, in spite of certain administrative difficulties, it is wiser not to extend the act in so far as the controlling of American citizens is concerned. On the other hand, your committee has been fully convinced that urgent considerations of public welfare make desirable the extension of the act so far as incoming aliens are concerned for the period of at least one year.

It will be noted that the existing act is applicable to four classes of persons: (1) Outgoing Americans, (2) outgoing aliens, (3) incoming Americans and (4) incoming aliens.

The recommendation of the State Department, as previously stated, was that control over the first two classes should cease with the promulgation of the treaty of peace. Your committee agrees with this conclusion, but goes further and recommends that the third class—incoming Americans—be also freed from restraint or control when the present war technically comes to an end.

The Secretary of State testified that for some time—probably for some years—the other great Governments of the world would doubtless continue in effect the very rigid passport requirements which have prevailed since 1914. This being true, it is quite probable that American travelers abroad will, as a matter of common precaution, and as a practical matter, need passports after the present law lapses; but your committee, while fully recognizing this fact, felt that so far as our own legislation was concerned, the control of the movements of American citizens desiring to travel abroad should again become unhampered and unembarrassed at the earliest possible moment.

The bill recommended by your committee follows almost verbatim the language of the present act. The only changes of consequence are the following:

(1) Whereas the present act imposes a penalty for violation of not more than \$10,000 fine, or not more than 20 years' imprisonment, your committee recommends a maximum of \$5,000 fine and 5 years' imprisonment. This recommendation is upon the theory that the very drastic penalties provided in the present act were made to meet war conditions and war emergencies, and that as the proposed bill becomes operative only with the arrival of peace, the original penalties may safely and properly be greatly reduced.

(2) Section 2 of the original act, which dealt with the movements of American citizens, is altogether eliminated for reasons above indicated.

(3) Section 4 of the proposed bill appropriates the sum of \$600,000 to meet the necessary expenses of carrying out the provisions of the bill for the remainder of the present fiscal year.

(4) Section 5 of the bill provides that it shall take effect when the provisions of the present act cease to be operative and shall continue in force and effect for one year thereafter.

The first section of the bill provides that it may cease to become operative within the year, if so ordered either by the President or by Congress.

The reasons for continuing passport control in the case of incoming aliens for at least one year seem to your committee to be numerous and compelling. As stated by Secretary Lansing, it is recommended

by the Department of State "because of the great unrest and disorder throughout Europe at the present time, and the fact that many persons are seeking admission to the United States, of whom a large number seem to be unsuitable for future citizenship or else are engaged in very radical propaganda against our institutions."

The State Department has obtained from our representatives abroad their opinion as to the importance of continuing the legislation. Herewith are appended statements of Ambassador Davis, at London; Ambassador Wallace, at Paris; Minister Garrett, at The Hague; Minister Schmedeman, at Christiania, Norway; Minister Stovall, at Berne, Switzerland; and others:

[Paraphrase of telegram from London embassy.]

MAY 24, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Under present circumstances I recommend strongly that present visé requirements and verifications of passports of American citizens returning to the United States continue until situation becomes more normal. The consul general concurs fully.

It is understood British authorities still retain certain control over persons leaving England, and if question of validity of American passports were left to the British port authorities much inconvenience might result for the bearers. Furthermore, existing system of thorough interrogation of applicant and inspection of passports by consular officers necessarily must discourage presentation of false papers. Department already aware that the Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere; some of these passports undoubtedly will appear here.

DAVIS.

[Paraphrase of telegram from Paris.]

JUNE 7, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Referring particularly circular telegraphic instruction 324, March 7: I believe not advisable at present to discontinue alien visés and relax control of aliens traveling to United States, because such course would promote immigration which is undesirable, at least until demobilization American Army and adjustment labor conditions. After conclusion of peace, therefore, visés should be maintained, but verifications completely abolished. However, foreign Governments will probably require for some time that passports be presented as documents of identity. In this respect note that many new form passports are presented for renewal more than 30 days after expiration, holders explaining that more punctual personal application not feasible. In order that more urgent matters might receive prompt attention, would it not be well to grant such extensions upon satisfactory explanation of delay, rather than to incur the additional clerical work by requiring that applications for emergency passports be made point of interrogation?

WALLACE.

[Paraphrase of telegram from minister at The Hague.]

JUNE 4.

SECRETARY OF STATE,
Washington:

The department's circular instruction of May 22 acknowledged. A summary of opinions of consuls and attachés with regard to visé requirements for aliens traveling to the United States after conclusion of peace follows:

The consul general at Rotterdam: The present requirements should remain in force at least until far stricter immigration laws have been enacted by Congress, as thousands of persons of all nationalities will endeavor to emigrate to the United States, and unless examined for visé great numbers of undesirables will undoubtedly obtain admission. Moreover, unless strict control is observed, Bolshevik elements of enemy countries will swarm into the United States and endanger the country's welfare. Enemy subjects should not be permitted, except in special cases, to enter for a considerable period.

The consul at Amsterdam: All aliens proceeding to the United States should obtain American visé for as long a time after the conclusion of peace as danger exists from Bolshevism and other forms of agitation and revolution detrimental to the welfare of America.

The military attaché: Aliens proceeding to the United States should be bearers of passports with American visé for one year after the definite conclusion of peace, because of immense exodus of population from Germany and other central European countries, since it is obvious that a majority of these people will attempt to proceed to the United States by way of the Netherlands. It is safe to assume that a large percentage of the people from Germany and central countries, as well as from southern parts of Russia, will be undesirable, many of them for political reasons.

The naval attaché: At least for the near future, all aliens proceeding to the United States should be bearers of passports with the American visé. At present there is too much Bolshevism and other agitation to warrant dispensing with this control. There may be a great wave of emigration to America after the conclusion of peace. In such case the visé of passports would give great opportunity so to restrict emigration to America as to keep out the dregs of Europe.

End of summary.

The minister at The Hague entirely concurs with the above consensus of opinion. He believes that agitators, Bolsheviks, and propagandists will continue actively and factiously at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is easiest and where there is the least to explain. American control organizations have been built up during the war and have at their disposal voluminous suspect lists and facilities for identifying undesirables and dangerous persons. The visé control would, therefore, seem to present the most ready as well as the least objectionable method of meeting the after-war problems of emigration to the United States and it need in no wise keep out persons who are desirable.

However, it is obvious that the value of the control will depend not only on its efficiency but on the uniformity with which it is carried out. A good control in one country or one part of a country will be entirely nullified by looser control elsewhere. The concentration of control in each country and an immediate and speedy interchange of information between the controls should be worked out by the department, and especially instructed men without other and irrelevant duties should be put in charge of the work.

GARRETT.

[Paraphrase of telegram received from the American legation at Copenhagen.]

MAY 28, 1919.

I agree fully with the military and naval attachés that the visé passports of foreigners going to United States should be continued for a very considerable period after the conclusion of peace: (A) To exclude Bolshevik and German propagandist. (B) To protect further American labor after demobilization. (C) Because control at port of entry can not be so efficient. (D) Statistics gathered by investigation of applicants here are of great value. (E) It affords unusual opportunity to inquire into many business activities which would not be possible otherwise. Furthermore, we are of opinion that the abolition of seamen control is unfortunate, in that it affords comparatively easy means for undesirables to reach our shores. Whatever it may cost the Government, it is our opinion that return would far outweigh expenditure.

[Paraphrase of telegram received from the American consul, Archangel.]

MAY 29, 1919.

We are all strongly of opinion that aliens going to the United States after conclusion of peace should be required to have passports viséed. It is regarded as certain that a large number of aliens will try to enter the United States from this part of the world to spread Bolshevik propaganda. Consuls are decidedly in the best position to distinguish these from desirable emigrants or travelers.

POOLE.

[Paraphrase of telegram from consul at Christiania.]

MAY 26, 1919.

SECRETARY OF STATE,
Washington:

Military attaché, consul general, and I recommend aliens going to the United States be required to have passports viséed, in order that they may be examined in their native lands and undesirables more effectively eliminated than possible for immigration authorities in ports of United States. We regard it most important that funds for investigation be continued. The military attaché recommends that they be placed entirely in the hands of the consul general.

SCHMEDEMAN.

[Paraphrase of telegram received from the American Legation, Switzerland.]

MAY 24, 1919.

Recommend that passports for aliens be strictly supervised after peace. The peril of Germans and Bolsheviks will not cease for at least a year. Vitality necessary, because of rumors of rapprochement between Germans and possible future enemies of United States.

STOVALL.

The Secretary of State asserts positively that it will be the policy of the department, if the law is extended, to exclude only those aliens whose admission to the United States the department believes would prove prejudicial to the best interests of our country. There would be no attempt or desire to regulate the amount of immigration and the number of immigrants by this means. Upon this important point it may be well to quote the testimony before the committee of the Secretary of State:

"The CHAIRMAN. . . . Assuming that this act is limited to incoming aliens, what would be the policy of the department, if you are prepared to indicate, as to dealing with immigrants who apply for visés from the various parts of Europe? Would you expect to grant a visé to everyone who could prove himself not dangerous to public morals or society, or what would be the scheme by which visés would be granted or withheld?"

"Secretary LANSING. Of course, so far as the Department of State is concerned, it would be, as far as could be determined, the character of the individual and whether he was a proper one to admit to entry into this country."

"The CHAIRMAN. His political character or his personal character?"

"Secretary LANSING. Well, it might be both. For example, if I were considering an anarchist it would be his political character, or if I were considering the case of a criminal, that would be his personal character. So both enter into the problem."

"The CHAIRMAN. And the State Department would deal with both?"

"Secretary LANSING. As far as possible. But, of course, the immigration authorities would have the ultimate say when he reached this country."

"The CHAIRMAN. Would you attempt to exercise that control as part of a general policy indicating how much immigration should come to the United States?"

"Secretary LANSING. Not at all, unless we had a request from the immigration authorities. I assume, so far as that is concerned, we would adopt, in general, their rules."

"The CHAIRMAN. Of course, this law would give you the power to choke immigration off completely if you chose to exercise it?"

"Secretary LANSING. Of course; and that is the very thing I wanted to point out, that that is a matter for Congress and not a matter for the Department of State, and we would adopt very closely the immigration rules, I think."

"The CHAIRMAN. In other words, you would simply aim to exclude the unfit?"

"Secretary LANSING. Yes, sir; the unfit."

"The CHAIRMAN. You will not try to regulate the rise and fall of the immigration tide through the medium of this act?"

"Secretary LANSING. Not at all."

Testimony before the committee indicates that there is a very large number of aliens in Germany, Russia, and other unsettled countries who are planning to come to the United States at the earliest possible moment. Many of them, your committee believes, would be undesirable additions to our population at this time. Many of them could probably not be effectively excluded under the immigration laws. The only way to check them is to stop them before they start, by means of the passport-control system. Your committee feels strongly the importance of watching very carefully the character of immigration which shall be permitted to come to our shores during the crucial year which will follow the coming of peace. Within that year Congress can, and probably will, determine its future policy with respect to the admission or exclusion of applicants for admission to the United States. The bill recommended, therefore, is primarily to preserve the status quo while Congress is considering its permanent program of regulation.

Scarcely less important than the retention of the passport control is the provision of funds to make that control effective. The work is delicate, difficult, and expensive. To perform it properly will require the services of at least 225 special employees of the Department of State, scattered in accordance with the needs of the service over the great ports of the world from which the tide of immigration flows to the United States. Seventy-five of these special employees will be employed at \$3,000 per annum, and 150 of them at \$2,500 per annum. Their salaries, together with their traveling expenses, contingent expenses, and a small sum for additional employees within the department itself to administer the act, involve an expense of about \$75,000 a month. Your committee in recommending a \$600,000 appropriation, therefore, is reckoning upon the expenses necessary for the period of eight months from November 1 to June 30, the close of the fiscal year.

While the exact expenses of administering the present act and the receipts accruing therefrom can not be segregated with accuracy owing, in part, to the fact that our diplomatic and consular officers have divided their time between this work and their other duties, it seems reasonably clear that the expenses of administering the act have been substantially balanced by the receipts therefrom. In other words, the service has been substantially self-supporting. There is every reason to assume that this condition will continue during the extension period. Thus the appropriation recommended probably entails not the slightest actual financial burden to the Government.

Finally, your committee is satisfied that, by eliminating from the provisions of the proposal all American citizens and all aliens within the United States who desire to return to their own country, the law will operate without hardship to any, but, on the contrary, most beneficially to our national welfare. Everyone knows the danger to our institutions which may result if the extreme radical or "Red" element of Europe is allowed to come without let or hindrance to the United States. The State Department tells us frankly that it will not administer the law so as to regulate immigration as such; rather will it withhold its permission only in the case of those who by character or otherwise can not safely be allowed to form a part of our population.

For the foregoing reasons, your committee believes that this legislation should be promptly enacted.

Appended herewith as a part of this report are a message from the President of the United States recommending legislation, and a letter from the Secretary of State to the President to the same effect:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the Central Powers of Europe, and that ample appropriation be made for an efficient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens, but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States will automatically cease to be operative upon the establishment of a condition of peace. Individuals will then be free to come here for whatever purpose they choose, and many will come for purposes which we can not approve and which may, indeed, be dangerous to the country and to its institutions.

The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission should not be questioned and those whose admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control, administered by the Department of State through the diplomatic and consular officers in foreign countries, can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at \$750,000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country when, in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our boundaries.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants for passport visés will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the exist-

ing system of control should be maintained and extended, it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

THE WHITE HOUSE,
25 August, 1919.

WOODROW WILSON.

DEPARTMENT OF STATE,
Washington, August 29, 1919.

DEAR MR. PRESIDENT: In pursuance of the act approved May 22, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," there was built up under the direction of the Secretary of State, and in close cooperation with the immigration authorities of the Department of Labor, and the appropriate officers of the Departments of the Treasury, Justice, War, and Navy, a system of passport control with respect to aliens entering the United States. Under this system all aliens desiring to proceed from any foreign country to the United States have been required to obtain a visé of the American consular officer at the port of departure upon their passport. Aliens have not been permitted to enter the United States, even if by chance they might reach any of its ports, unless a properly viséd passport could be produced.

The act mentioned provides for passport control only during the period when the United States is at war. Consequently the question now arises whether it would be consistent with the best interests of this country to discontinue the system described. With a view of determining upon a recommendation to be made to Congress, I have sought the views of the heads of the American diplomatic missions abroad and inclose, for your information, paraphrases of telegrams embodying their opinions.

As will be noted, all of the diplomatic missions so far heard from recommend the continuance of the visé regulations. It is believed that during the continuance of the war large numbers of undesirable and dangerous persons have been kept out of the United States through the enforcement of the visé regulations. The elements of unrest and disorder, which have always existed to a certain degree, but have been kept more or less under subjection, have in the unsettled conditions arising from the war broken their bounds in various quarters, particularly in Russia and central Europe, and there is every reason to believe that large numbers of aliens who do not believe in the form of government now existing in the United States may attempt to come to this country, many of them for the express purpose of carrying on anarchistic agitation. Reports indicate that anarchistic organizations in foreign lands are engaged in a propaganda which extends beyond the limits of their own country and includes the United States, and there is no doubt that they are attempting to send agents to this country to spread their propaganda.

After considering the reports of the representatives of this country abroad and conferring with some of our ministers on this subject, I do not believe that the time for abandoning the safeguard afforded by the passport-control system has yet arrived or that it will arrive immediately upon the conclusion of peace. It furnishes valuable assistance in preventing undesirable people from coming to this country and is effective not only because it is more feasible for officers stationed in the country from which individuals seek to emigrate to obtain information concerning their antecedents, character, and objects than it is for officers in the United States to obtain such information, but also in cases which appear suspicious it is much easier to refuse a visé than to deny admittance to the suspected person after he has arrived at a port of entry of the United States.

I do not wish to be understood as holding that the visé system could or should supplant the exclusion provisions of the immigration law, but I am convinced from the operation of the system during the war that it can be for some time in the future, until conditions shall have become more settled, a very valuable adjunct in preventing the admission of agitators and other dangerous persons. In any continuance of the passport-control system the cooperation of the Bureau of Immigration of the Department of Labor, which has been so freely extended to this department, must necessarily be continued.

Two things are necessary to the continuance of the passport-control system: (1) The extension by special act or joint resolution of the act of May 22, 1918, and (2) the appropriation of a sum sufficient to pay the salaries of such additional employees as may be needed for the efficient carrying on of the work, both here and abroad, and paying the other expenses incident to the enforcement of the act. With reference to the first point it is suggested that it might be wise to extend the provisions of the act of May 22, 1918, for a period of one year after peace has been concluded with the Central Powers in Europe. If at the end of that time a further extension should be found necessary, the matter can again be submitted for the consideration of Congress.

With reference to the second point, Congress appropriated the sum of \$75,000 "for carrying out the provisions of the act" mentioned, "including contingent and miscellaneous expenses and personal services and rent in the District of Columbia and elsewhere." This appropriation not only ceased to be available on June 30, 1919, but was never more than a small item of the cost of the enforcement of the law, inasmuch as consular and immigration, military and naval officers were utilized in connection with the other duties pertaining to the war which they were discharging. It is not possible, however, to continue this longer without further appropriation, for the expense is too heavy a charge upon the regular appropriations to permit of a continuance of the work. The work here and abroad has already developed beyond the capacity of the existing organization to deal with. A careful examination of the needs, both in this department and in the Diplomatic and Consular Service abroad, convinces me that an appropriation of not less than \$750,000 will be necessary if the system of control be extended after the ratification of the treaty of peace through the existing fiscal year. The extent to which the work may be developed will be readily apparent when it is considered that the total number of immigrants admitted to this country during the fiscal year 1919 was 141,132, while the total number admitted in the year preceding the beginning of the war was 1,218,480, or more than nine times the number being admitted at the present time. It is thought, however, that some time will elapse before immigration and travel reach their prewar condition, hence the estimated expense is much less than it would be were it to be based upon even half the prewar immigration. An itemized estimate of the probable expenditure both here and abroad is inclosed. It may be plainly pointed out that it is useless to attempt to continue the system unless ample provision is made for its efficient enforcement. Regulations of the importance of those of passport control inefficiently executed or not executed at all are not only useless but, in the existing situation, may be dangerous.

The above observations relate principally to the question of continuing the visé system after the conclusion of peace. It is a serious question whether it can be continued until the conclusion of peace. Several of the diplomatic and consular offices in places from which there is a large emigration have telegraphed to the department that it is impossible for them to carry on the work properly with their present personnel. They are in immediate need of assistants, but this department has no available funds from which they can be paid. Unless funds are obtained for this purpose in the near future it will be necessary to drop the visé work altogether, even before the conclusion of peace. Judging by reports received from diplomatic and consular officers, it is believed that this would be most unfortunate.

It is proper to observe that the visé work brings a considerable revenue into the Treasury. Under the tariff of consular fees, a fee of \$1 is required for the execution of each visé application and an additional fee of \$1 for each visé. During the six months ended June 30 it appears that fees to the amount of about \$200,000 were collected under the provisions just mentioned. As the numbers of immigrants coming to the United States have been constantly increasing since the first of the year, it is believed that visé fees are now being collected at the rate of \$500,000 per annum. When immigration reaches normal proportions, the amount of the fees collected will, of course, greatly exceed the amount just mentioned. The work connected with the issuance of passports to American citizens also brings in a considerable revenue. At the rate at which this work is now proceeding it is estimated that fees to the amount of \$277,500 are now being collected annually for the issuance of passports by the department and the diplomatic and consular officers abroad and the execution of passport applications. Thus it appears that the Treasury is now annually receiving in connection with the passport work fees to the amount of about \$777,500.

I recommend that, if you approve, this matter be laid before Congress at the earliest possible moment, in order that it may determine whether the existing system shall be continued and, if so, make provisions for its efficient execution.

THE PRESIDENT,
The White House.

ROBERT LANSING.

[Public, No. 154, Sixty-fifth Congress, H. R. 10264.]

An act to prevent in time of war departure from or entry into the United States contrary to the public safety.

Be it enacted, etc., That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe.

(b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act.

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another.

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use.

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use.

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States.

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

SEC. 3. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than 20 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 4. That the term "United States," as used in this act, includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

Approved, May 22, 1918.

[Senate Document No. 79, Sixty-sixth Congress, first session.]

Message from the President of the United States transmitting a communication from the Secretary of State suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the central powers of Europe.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State suggesting that the passport-control act of May 22, 1918, be extended for one year after peace shall have been concluded between the United States and the central powers of Europe, and that ample appropriation

be made for an efficient execution of that act and the regulations made under it during the remainder of the fiscal year.

This recommendation brings up for your consideration a very important question of policy, which has an intimate relation to the welfare of the country. Information from the agents of the Government in foreign countries indicates that as soon as the existing restrictions upon travel are removed many persons will seek admission to this country, and that among the number are not only persons undesirable from the point of view of becoming future citizens but persons whose origin and affiliations make it inadvisable that they should be permitted to enter the United States. The act of May 22, 1918, which makes possible the prevention of undesirable individuals from departing for the United States, will automatically cease to be operative upon the establishment of a condition of peace. Individuals will then be free to come here for whatever purpose they choose, and many will come for purposes which we can not approve and which may, indeed, be dangerous to the country and to its institutions.

The immigration officials enforcing the immigration laws at the ports of the United States will not be able successfully to prevent the entry of all improper and dangerous persons, because of the impracticability of developing a system of intelligence and investigation abroad to work in sufficiently close relationship to the immigration organization in the United States to be thoroughly effective in distinguishing between those individuals whose right to admission should not be questioned and those whose admission would be injurious to the country. The experience gained during the war shows that an efficient system of passport control administered by the Department of State, through the diplomatic and consular officers in foreign countries, can be depended upon to exclude practically all persons whose admission to the United States would be dangerous or contrary to the public interest. If the Congress concur in the view that the national welfare requires that the class of persons to which I have alluded should not enter this country, it is my belief that the simplest and most effective method that can be adopted would be to continue the system of control now being carried on by the Department of State, working in close cooperation with the Commissioner General of Immigration.

It is obvious that effectiveness of control can only be obtained through supplementing the regular diplomatic and consular personnel with a sufficient number of reliable and capable men, and such men as would be useful can be had only through the payment of adequate compensation. The Secretary of State estimates the expenditure required for the remainder of the current fiscal year at \$750,000, including a number of additional employees in the Department of State who would be charged to supplement the administrative organization now maintained there. I quite agree with the view that it is entirely useless to make any outlay upon this work unless sufficient money is provided with which to make control effective. It would be most unwise to permit the public to rest under the impression that an effective control was being exerted over persons seeking admission to this country when, in fact, owing to inadequate personnel and an inefficient administration of the law, dangerous persons were freely crossing our borders.

It is important that I should add that the increase in the number of persons desiring to come to the United States has already almost overwhelmed the existing organization abroad, and that it is very doubtful whether the system of control can be kept in operation for more than a few weeks longer without additional appropriation.

With the relaxation of restrictions upon transportation which are gradually taking place, the burden of examining applicants for passport visés will become so great as to be entirely beyond the capacity of the number of officers whose employment existing appropriations make possible. Therefore it is of the utmost importance that if the Congress should decide, as I hope it may, that the public interest requires that the existing system of control should be maintained and extended, it will enact the necessary legislation preferably by joint resolution and make ample appropriation at the earliest possible moment.

THE WHITE HOUSE,
25 August, 1919.

WOODROW WILSON.

DEPARTMENT OF STATE,
Washington, August 20, 1919.

DEAR MR. PRESIDENT: In pursuance of the act approved May 22, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," there was built up under the direction of the Secretary of State, and in close cooperation with the immigration authorities of the Department of Labor, and the appropriate officers of the Departments of the Treasury, Justice, War and Navy, a system of passport control with respect to aliens entering the United States. Under this system all aliens desiring to proceed from any foreign country to the United States have been required to obtain a visé of the American consular officer at the port of departure upon their passport. Aliens have not been permitted to enter the United States, even if by chance they might reach any of its ports, unless a properly viséd passport could be produced.

The act mentioned provides for passport control only during the period when the United States is at war. Consequently the question now arises whether it would be consistent with the best interests of this country to discontinue the system described. With a view of determining upon a recommendation to be made to Congress, I have sought the views of the heads of the American diplomatic missions abroad, and inclose for your information paraphrases of telegrams embodying their opinions.

As will be noted, all of the diplomatic missions so far heard from recommend the continuance of the visé regulations. It is believed that during the continuance of the war large numbers of undesirable and dangerous persons have been kept out of the United States through the enforcement of the visé regulations. The elements of unrest and disorder, which have always existed to a certain degree, but have been kept more or less under subjection, have in the unsettled conditions arising from the war broken their bounds in various quarters, particularly in Russia and Central Europe, and there is every reason to believe that large numbers of aliens, who do not believe in the form of Government now existing in the United States, may attempt to come to this country, many of them for the express purpose of carrying on anarchistic agitation. Reports indicate that anarchistic organizations in foreign lands are engaged in a propaganda which extends beyond the limits of their own country and includes the United States, and there is no doubt that they are attempting to send agents to this country to spread their propaganda.

After considering the reports of the representatives of this country abroad and conferring with some of our ministers on this subject, I do not believe that the time for abandoning the safeguard afforded by the passport-control system has yet arrived or that it will arrive immediately upon the conclusion of peace. It furnishes valuable assistance in preventing undesirable people from coming to this country, and is effective not only because it is more feasible for officers stationed in the country from which individuals seek to emigrate to obtain information concerning their antecedents, character, and objects than it is for officers in the United States to obtain such information, but also in cases which appear suspicious it is much easier to refuse a visé than to deny admittance to the suspected person after he has arrived at a port of entry of the United States.

I do not wish to be understood as holding that the visé system could or should supplant the exclusion provisions of the immigration law, but I am convinced from the operation of the system during the war that it can be for some time in the future, until conditions shall have become more settled, a very valuable adjunct in preventing the admission of agitators and other dangerous persons. In any continuance of the passport-control system the cooperation of the Bureau of Immigration of the Department of Labor, which has been so freely extended to this department, must necessarily be continued.

Two things are necessary to the continuance of the passport-control system: (1) The extension by special act or joint resolution of the act of May 22, 1918, and (2) the appropriation of a sum sufficient to pay the salaries of such additional employees as may be needed for the efficient carrying on of the work, both here and abroad, and paying the other expenses incident to the enforcement of the act. With reference to the first point it is suggested that it might be wise to extend the provisions of the act of May 22, 1918, for a period of one year after peace has been concluded with the Central Powers in Europe. If at the end of that time a further extension should be found necessary, the matter can again be submitted for the consideration of Congress.

With reference to the second point, Congress appropriated the sum of \$75,000 "for carrying out the provisions of the act" mentioned, "including contingent and miscellaneous expenses and personal services and rent in the District of Columbia and elsewhere." This appropriation not only ceased to be available on June 30, 1919, but was never more than a small item of the cost of the enforcement of the law, inasmuch as consular and immigration, military and naval officers were utilized in connection with the other duties pertaining to the war which they were discharging. It is not possible, however, to continue this longer without further appropriation, for the expense is too heavy a charge upon the regular appropriations to permit of a continuance of the work. The work here and abroad has already developed beyond the capacity of the existing organization to deal with. A careful examination of the needs, both in this department and in the Diplomatic and Consular Service abroad, convinces me that an appropriation of not less than \$750,000 will be necessary if the system of control be extended after the ratification of the treaty of peace through the existing fiscal year. The extent to which the work may be developed will be readily apparent when it is considered that the total number of immigrants admitted to this country during the fiscal year 1919 was 141,132, while the total number admitted in the year preceding the beginning of the war was 1,218,480, or more than nine times the number being admitted at the present time. It is thought, however, that some time will elapse before immigration and travel reach their prewar condition, hence the estimated expense is much less than it would be were it to be based upon even half the prewar immigration. An itemized estimate of the probable expenditure both here and abroad is inclosed. It may be plainly pointed out that it is useless to attempt to continue the system unless ample provision is made for its efficient enforcement. Regulations of the importance of those of passport control inefficiently executed or not executed at all are not only useless but, in the existing situation, may be dangerous.

The above observations relate principally to the question of continuing the visé system after the conclusion of peace. It is a serious question whether it can be continued until the conclusion of peace. Several of the diplomatic and consular offices in places from which there is a large emigration have telegraphed to the department that it is impossible for them to carry on the work properly with their present personnel. They are in immediate need of assistants, but this department has no available funds from which they can be paid. Unless funds are obtained for this purpose in the near future, it will be necessary to drop the visé work altogether, even before the conclusion of peace. Judging by reports received from diplomatic and consular officers it is believed that this would be most unfortunate.

It is proper to observe that the visé work brings a considerable revenue into the Treasury. Under the tariff of consular fees, a fee of \$1 is required for the execution of each visé application and an additional fee of \$1 for each visé. During the six months ended June 30, it appears that fees to the amount of about \$200,000 were collected under the provisions just mentioned. As the numbers of immigrants coming to the United States have been constantly increasing since the first of the year, it is believed that visé fees are now being collected at the rate of \$500,000 per annum. When immigration reaches normal proportions the amount of the fees collected will, of course, greatly exceed the amount just mentioned. The work connected with the issuance of passports to American citizens also brings in a considerable revenue. At the rate at which this work is now proceeding it is estimated that fees to the amount of \$277,500 are now being collected annually for the issuance of passports by the department and the diplomatic and consular officers abroad and the execution of passport applications. Thus it appears that the Treasury is now annually receiving in connection with the passport work fees to the amount of about \$777,500.

I recommend that, if you approve, this matter be laid before Congress at the earliest possible moment, in order that it may determine whether the existing system shall be continued, and, if so, make provisions for its efficient execution.

Faithfully, yours,

THE PRESIDENT,
The White House.

ROBERT LANSING.

Be it enacted, etc., That the provisions of the act of Congress approved the 22d day of May, 1918, entitled "An act to prevent in time of war departure from and entry into the United States contrary to the public safety," are, so far as they relate to entry into the United States, continued for one year after peace has been concluded with the Central Powers of Europe.

Estimate of proposed expenditure for continuance of passport control for the fiscal year ending June 30, 1920.

Personnel and expenses abroad:	
75 special employees, at \$3,000 per annum.....	\$225,000
150 special employees, at \$2,500 per annum.....	375,000
Actual and necessary traveling expenses of employees to and from posts of duty and when traveling under orders.....	155,000
Contingent expenses, United States consulates, additional for fiscal year ending June 30, 1920.....	100,000
Personnel and expenses in Washington:	
Additional employees, Department of State—	
1 at \$3,000 per annum.....	\$3,000
2 at \$2,500 per annum.....	5,000
2 at \$1,800 per annum.....	3,600
2 at \$1,600 per annum.....	3,200
4 at \$1,400 per annum.....	5,600
8 at \$1,200 per annum.....	9,600
	30,000
Total for 12 months.....	885,000
Total for 10 months, approximately.....	750,000

[Paraphrase of telegram from London embassy.]

MAY 24, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Under present circumstances I recommend strongly that present visa requirements and verifications of passports of American citizens returning to the United States continue until situation becomes more normal. The consul general concurs fully.

It is understood British authorities still retain certain control over persons leaving England, and if question of validity of American passports were left to the British port authorities, much inconvenience might result for the bearers. Furthermore, existing system of thorough interrogation of applicant and inspection of passports by consular officers necessarily must discourage presentation of false papers. Department already aware that the Bolshevik authorities in Russia are acquiring genuine American passports, intending to use them to send their agents to the United States and elsewhere; some of these passports undoubtedly will appear here.

DAVIS.

[Paraphrase of telegram from Paris.]

JUNE 7, 1919.

SECRETARY OF STATE,
Washington, D. C.:

Referring particularly circular telegraphic instruction 324, March 7: I believe not advisable at present to discontinue alien visas and relax control of aliens traveling to United States, because such course would promote immigration which is undesirable, at least until demobilization American Army and adjustment labor conditions. After conclusion of peace, therefore, visas should be maintained, but verifications completely abolished. However, foreign governments will probably require for some time that passports be presented as documents of identity. In this respect, note that many new-form passports are presented for renewal more than 30 days after expiration, holders explaining that more punctual personal application not feasible. In order that more urgent matters might receive prompt attention, would it not be well to grant such extensions upon satisfactory explanation of delay, rather than to incur the additional clerical work by requiring that applications for emergency passports be made point of interrogation?

WALLACE.

[Paraphrase of telegram from minister at The Hague.]

JUNE 4.

SECRETARY OF STATE,
Washington:

The department's circular instruction of May 22 acknowledged. A summary of opinions of consuls and attachés with regard to visa requirements for aliens travelling to the United States after conclusion of peace follows:

The consul general at Rotterdam: The present requirements should remain in force at least until far stricter immigration laws have been enacted by Congress, as thousands of persons of all nationalities will endeavor to emigrate to the United States, and unless examined for visa great numbers of undesirables will undoubtedly obtain admission. Moreover, unless strict control is observed, Bolshevik elements of enemy countries will swarm into the United States and endanger the country's welfare. Enemy subjects should not be permitted, except in special cases, to enter for a considerable period.

The consul at Amsterdam: All aliens proceeding to the United States should obtain American visa for as long a time after the conclusion of peace, as danger exists from Bolshevism and other forms of agitation and revolution detrimental to the welfare of America.

The military attaché: Aliens proceeding to the United States should be bearers of passports with American visa for one year after the definite conclusion of peace because of immense exodus of population from Germany and other central European countries, since it is obvious that a majority of these people will attempt to proceed to the United States by way of the Netherlands. It is safe to assume that a large percentage of the people from Germany and central countries as well as from southern parts of Russia will be undesirable, many of them for political reasons.

The naval attaché: At least for the near future all aliens proceeding to the United States should be bearers of passports with the American visa. At present there is too much Bolshevism and other agitation to warrant dispensing with this control. There may be a great wave of emigration to America after the conclusion of peace. In such case the visaing of passports would give great opportunity so to restrict emigration to America as to keep out the dregs of Europe.

End of summary.
The minister at The Hague entirely concurs with the above consensus of opinion. He believes that agitators, Bolsheviks, and propagandists will continue actively and factiously at work. It is likely that other countries will try to get rid of these persons and that the worst of them will go to the country to which the entry is

easiest and where there is the least to explain. American control organizations have been built up during the war and have at their disposal voluminous suspect lists and facilities for identifying undesirable and dangerous persons. The visa control would therefore seem to present the most ready as well as the least objectionable method of meeting the after-the-war problems of emigration to the United States and it need in no wise keep out persons who are desirable.

However, it is obvious that the value of the control will depend not only on its efficiency but on the uniformity with which it is carried out. A good control in one country or one part of a country will be entirely nullified by looser control elsewhere. The concentration of control in each country and an immediate and speedy interchange of information between the controls should be worked out by the department, and specially instructed men without other and irrelevant duties should be put in charge of the work.

GARRETT.

[Paraphrase of telegram received from the American Legation at Copenhagen.]

MAY 28, 1919.

I agree fully with the military and naval attachés that the visé passports of foreigners going to United States should be continued for a very considerable period after the conclusion of peace: (A) To exclude Bolshevik and German propagandists. (B) To protect further American labor after demobilization. (C) Because control at port of entry can not be so efficient. (D) Statistics gathered by investigation of applicants here are of great value. (E) It affords unusual opportunity to inquire into many business activities which would not be possible otherwise. Furthermore, we are of opinion that the abolition of seamen control is unfortunate in that it affords comparatively easy means for undesirables to reach our shores. Whatever it may cost the Government, it is our opinion that return would far outweigh expenditure.

[Paraphrase of telegram received from the American consul, Archangel.]

MAY 29, 1919.

We are all strongly of opinion that aliens going to the United States after conclusion of peace should be required to have passports viséed. It is regarded as certain that a large number of aliens will try to enter the United States from this part of the world to spread Bolshevik propaganda. Consuls are decidedly in the best position to distinguish these from desirable emigrants or travelers.

POOLE.

[Paraphrase of telegram from consul at Christiania.]

MAY 26, 1919.

SECRETARY OF STATE,
Washington:

Military attaché, consul general, and I recommend aliens going to the United States be required to have passports viséed in order that they may be examined in their native lands, and undesirables more effectively eliminated than possible for immigration authorities in ports of United States. We regard it most important that funds for investigation be continued. The military attaché recommends that they be placed entirely in the hands of the consul general.

SCHEMEDMAN.

[Paraphrase of telegram received from the American legation, Switzerland.]

MAY 24, 1919.

Recommend that passports for aliens be strictly supervised after peace. The peril of Germans and Bolsheviks will not cease for at least a year. Vitality necessary, because of rumors of rapprochement between Germans and possible future enemies of the United States.

STOVALL.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 3272) authorizing any land-grant railroad company or its successors to convey for public-road purposes certain parts of its right of way; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 3273) for the relief of Clarence Chambers; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 3274) to increase the limit of cost for the construction of the United States post-office building at St. Johnsbury, Vt.; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD:

A bill (S. 3275) for the relief of the Greenwood Bros. Café; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 3276) for the relief of J. G. Swinney; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 3277) granting a pension to James D. Ash; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3278) to insure greater safety for life and property during transportation on railroads, to make investments of money in railroads more secure and profitable, to reduce the costs of transportation on railroads, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3279) granting an increase of pension to Albert N. Raymond; and

A bill (S. 3280) granting a pension to Robert Clark; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3281) granting an increase of pension to Mary S. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3282) for the relief of Alvin Harder; to the Committee on Military Affairs.

By Mr. DIAL:

A bill (S. 3283) to make the rate of postage on all mail matter of the first class within the limits of any post-office delivery district 1 cent for each ounce or fraction thereof; to the Committee on Post Offices and Post Roads.

TREATY OF PEACE WITH GERMANY.

Mr. CALDER. Mr. President, on Friday of last week I obtained unanimous consent to have published in the RECORD an analysis of the labor provisions of the treaty with Germany. At that time I also submitted a few observations in connection with this analysis.

I have here, Mr. President, a telegram addressed to Lewis E. Pierson, of 93 Eighth Avenue, Brooklyn. With the permission of the Senate I shall read it.

NEW YORK, October 16, 1919.

Mr. LEWIS E. PIERSON,

93 Eighth Avenue, Brooklyn, N. Y.:

In this moral and political crisis the League to Enforce Peace, William Howard Taft, president, A. Lawrence Lowell, chairman, has great and necessary responsibility of leading and securing expression of public demand for prompt ratification of the peace treaty and league of nations covenant without amendments and without reservations that would require re-submission to Paris conference or separate peace with Germany. Business uncertainty and industrial unrest will continue throughout the world until ratification starts life again in normal channels. Will you join others in contributing \$1,000 toward expenses of campaign?

HERBERT HOUSTON,

Treasurer.

GEORGE WICKERSHAM,

VANCE McCORMICK,

CLEVELAND DODGE,

OSCAR STRAUS,

Finance Committee,

Bush Terminal Sales Building, New York.

Mr. President, as an evidence of just how a telegram of this character affected the gentleman to whom it was addressed—and, by the way, he is the chairman of the board of directors of one of the leading commercial banks of New York City and a prominent official of the United States Chamber of Commerce—I propose to read his answer to the telegram, dated October 20, 1919:

OCTOBER 20, 1919.

Mr. HERBERT HOUSTON,

Treasurer League to Enforce Peace,

Bush Terminal Sales Building, New York.

SIR: Responding to your circular telegram, I decline to subscribe \$1,000 for propaganda to coerce United States Senators to reach a hasty and insufficiently considered vote on the league of nations provisions of the peace treaty.

I can not believe that the people of this country, or even the membership of your league, will sanction such pressure on patriotic Senators sworn to the faithful performance of their constitutional duty, when it is realized that no debate has yet revealed the menace to the country contained in the labor provisions of the treaty.

These provisions clearly provide for an irresistible force to secure enactment into international law within 18 months by all nations in the league of every pronouncement of the labor conference created by the peace treaty.

Under the treaty the labor conference is specifically required to set up machinery for world propaganda in favor of its pronouncements, to be supported by funds contributed by all nation members of the league. The labor conference also is required to create a court of inquiry, charged with the duty of ascertaining the reasons why any nation delays in enacting the international laws the labor conference proposes.

The United States will be one out of over 40 nation members proposed for the conference, and will have 4 out of over 160 votes. With nearly every other nation in the world either committed or strongly inclined to advanced and even radical socialism openly advocating the elimination of property rights, the danger

to our institutions is obvious. It is clear that our representatives will be out-voted and our Nation, whatever its intentions, will continually be involved in domestic, as well as international, strife with radicals, even Bolsheviks, at home and abroad, just when we need and should expect peace.

It is not the ideals underlying the league of nations that are opposed, but rather the logical effects of the operations of the specific league proposed. I am confident that the Senators clearly understand that with unanimous consent required but few, if any, changes in league provisions can be secured after the treaty is ratified.

I believe that instead of coercion the Senators should receive commendation for their patriotic stand for a full opportunity for thorough study and understanding of their duty at this time.

I am forwarding a copy of your telegram and of this response to the Senators from my State.

Very truly, yours,

LEWIS E. PIERSON.

Mr. President, I commend this telegram and Mr. Pierson's answer to the careful study of the Senate.

SUGAR SUPPLY.

Mr. PHIPPS. Mr. President, I have received a telegram bearing upon the question of the sugar supply, which is short and I believe it will be of interest to Senators. Therefore I send it to the desk and request that it be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

NEW YORK, N. Y., October 21, 1919.

HON. LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

In reply to the published telegrams of Attorney General Palmer, I beg to state that the beet-sugar manufacturers are not and have never been profiteering. On the contrary, we are disposing of our sugars voluntarily as rapidly as produced at prices far less than we could command in the open market had we desired to take advantage of the present crisis in the demand for sugar. I send this after conference with the president of the American Beet Sugar Co.

HENRY T. OXNARD.

Mr. SMOOT. Mr. President, in this connection I will say that I have received a number of telegrams from the beet-sugar manufacturers of the West, and I want now to protest in the name of the beet-sugar manufacturers of the country against the Attorney General's attempt to make the people of the United States believe that the beet-sugar manufacturers of the West are profiteers. They are perfectly willing to agree with the Government of the United States on the price at which sugar shall be sold. They are not holding their sugar back as charged. In fact, the first intermountain sugar plant began manufacturing sugar on the 6th day of this month, and it will become an official of the Government, in my opinion, to attempt to make it appear that the beet-sugar industry is trying to profiteer in any way, shape, or form in the selling of its products. On the contrary, the industry is against unjust prices, even though the conditions in our country and the world would justify greatly increased prices.

Mr. KING. Mr. President, I wish to indorse what has been stated by my colleague and to supplement the statement by a few further observations.

One of the representatives of the beet-sugar manufacturers called on me some time ago and urged that everything be done possible by Congress to induce the President or some executive agency of the Government to purchase as much as possible of the Cuban sugar crop in order that the prices for sugar in the United States be brought down to the lowest possible figure. I know that that representative of the beet-sugar organization was anxious to have the Government fix as low a price as it cared to, and he said that the representatives of the beet-sugar companies would be perfectly willing to sell now, as they had been during the war, at such prices as the Government might deem necessary for the public welfare.

SOCIALISTIC ACTIVITIES.

Mr. KENYON. Mr. President, a few days ago the second gas bomb in the attack of the packers was exploded on the floor of the Senate, and a number of gentlemen were accused of being socialists and reds. I think a resolution was at that time submitted which provided for investigation. I hope that an investigation may be made and made speedily. Some of these gentlemen have no chance to reply to the attacks made upon them on this floor at the instigation, I believe, of the packers. Mr. Basil Manly, one of the gentlemen attacked, has written me a letter concerning it, and I think it is fair that the letter should be read to the Senate. No man has done more patriotic work in this war than Mr. Manly.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

THE SCRIPPS ECONOMIC BUREAU,
Washington, D. C., October 21, 1919.

HON. WILLIAM S. KENYON,
United States Senate, Washington, D. C.

MY DEAR SENATOR KENYON: I have just seen in this morning's papers the account of Senator WATSON's attack upon the so-called reds in the Federal Trade Commission.

This is, of course, nothing more nor less than an attempt to block the passage of the Kenyon bill for limiting the predatory activities of the packers.

If Senator WATSON is as inaccurate in his statements in reference to others as he is in his detailed account of my alleged activities, he is grossly misinformed.

I never attended a meeting of the Fabian Club, either during my connection with the investigation of the packers or at any other time. During my employment with the Federal Trade Commission Stuart Chase was in the employ of the Food Administration, and I was only in his office on two occasions, both of which were on important business for the Federal Trade Commission.

During my work in Chicago as an investigator for the Federal Trade Commission I attended only one meeting, in company with Francis J. Heney and one or two others, which I recall very distinctly was a huge patriotic mass meeting under the auspices of the National Security League in the interest of the Liberty loan.

I am not a socialist and have never been a member of any socialist organization. It is true that for many years I have been engaged in exposing what I considered to be wrongs against the public interest, and have thus incurred the enmity of certain very powerful interests. However, I do not yield to Senator WATSON or to anyone else in my desire to preserve this Nation as a democracy of, by, and for the people for the purposes set forth in the Declaration of Independence and proclaimed in the Constitution.

Yours, very sincerely,

BASIL MANLY.

LONGSHOREMEN'S STRIKE IN NEW YORK.

Mr. SHERMAN. Mr. President, on my own responsibility, I present a letter from a gentleman in New York City, in relation to a member of the conciliation commission to settle the longshoremen's strike in New York and vicinity. I ask that the letter be read.

The VICE PRESIDENT. Is there objection? There being no objection, the Secretary will read as requested.

The Secretary read as follows:

NEW YORK, October 20, 1919.

SENATOR LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR: As you possibly may know, all shipping in the port of New York is now tied up by a strike of the longshoremen and freight handlers, so that thousands of tons of perishable food are spoiling on the wharves, to say nothing of immense quantities of merchandise ready for shipment to foreign and domestic ports.

Secretary of Labor Wilson has just appointed a conciliation commission of three members to try to settle this strike, and one of these members is a man named F. Paul Vaccarelli, about whom I wish to give you the following information:

Vaccarelli, under the name of Paul Kelley, has been known for several years in this city as a leader of a notorious gang of thieves and thugs, and if you will take the trouble to ask Mr. William E. Flynn, now of the Department of Justice Secret Service, and at one time a deputy police commissioner of New York City, you will find that Paul Kelley has a most elaborate and unsavory police record, including, I think, charges in which he has been more or less implicated in almost every known crime, including murder.

This Paul Kelley gang hung out for years in the notorious Mandarin Club, on Doyers Street, in the Chinese district of this city, only a short distance from Third Avenue, where murders, robberies, and other crimes were openly planned and freely discussed with any visitors who were properly introduced.

Vaccarelli's gang were largely used by Tammany politicians in terrorizing their opponents in certain districts, especially about election time, which probably is the reason why he is not in the penitentiary at the present time.

Mayor Mitchel, now dead, who preceded the present Mayor Hylan, through the police department, practically broke up this Paul Kelley gang, who thereupon removed to a saloon on the corner of Forty-third Street and Seventh Avenue, of this city,

only a block away from the Hotel Astor, where they were apparently under police protection.

Vaccarelli was the adviser and confidant of his gang, sharing in their plunder and aiding them to get out of their scrapes by giving bail and securing the services of pliant attorneys, who appeared for them in court when arrested. Later he became connected with the Longshoremen's Union, which embraced the roustabouts and freight handlers on the water front, comprising about as tough and lawless body of men as can be found in this great city. He became an officer of this union, and as such politically useful to Tammany Hall even more than before. Unless I am very much mistaken, I think there are several untried indictments against Vaccarelli still pigeonholed in the New York City district attorney's office here, which is now controlled by Tammany influences.

It is an outrage on all decent people for a thug and gangster like Vaccarelli, who is responsible for many murders, robberies, and assaults upon innocent people, to be thus selected and honored by the United States Secretary of Labor. Can you beat it?

Yours, very truly,

WM. HALL ALLEN.

P. S.—The inclosed clippings from to-day's New York Times, page 1, may interest you in this connection.

Mr. SHERMAN. I send to the desk and ask to have printed without reading the news dispatch referred to in the letter.

The VICE PRESIDENT. Without objection, it is so ordered. The dispatch is as follows:

[From the New York Times, Oct. 20, 1919.]

"The conciliation commission appointed on Saturday night by Secretary of Labor William B. Wilson to try to settle the longshoremen's strike got down to work early yesterday morning.

"COMMISSION MEETS TO-DAY.

"The first meeting of the full commission will be held at 10 o'clock this morning at the mayor's office, F. Paul Vaccarelli, the third member, being absent from the hearing yesterday. He said last night that he had not been officially notified of his appointment in time for the session yesterday.

"Replying to the attacks made upon him by T. V. O'Connor and Joseph Ryan, president and vice president, respectively, of the International Longshoremen's Association, and John F. Riley, strike chairman, who have protested his appointment on the commission, Mr. Vaccarelli said that the indorsement of these officials of the association would be considered a liability, and the strikers would show no more confidence in him than they have in the efforts of the officials to get them back to work.

"Speakers at the hearing yesterday protested against Mr. Vaccarelli as a member of the commission. He is president of the Harbor Boatmen's Union, and was formerly an official of the International Longshoremen's Association. When the strike was first called he was accused of having a hand in it, but he made emphatic denial of any connection with the longshoremen."

THE IRISH QUESTION.

Mr. PHELAN. Mr. President, I ask permission by unanimous consent to have printed in the RECORD a letter from Michael J. O'Brien, the historiographer of the American Irish Historical Society of New York in answer to the Senator from Mississippi [Mr. WILLIAMS].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN IRISH HISTORICAL SOCIETY,
New York City.

HON. JOHN SHARP WILLIAMS,
United States Senator from Mississippi,
Washington, D. C.

DEAR SIR: If the reports of your speech in the Senate in this morning's papers are correct, it is clear that you are entirely without knowledge of the facts of your subject, and it is for the purpose of informing you of a few of those facts that I am writing you this letter.

I regret to learn that you have received "threatening letters" because of your attitude on the question of Ireland, and that you assume they came from Irish sources. Most people will be surprised at this, since it is not in the Celtic nature thus to threaten an honorable opponent, however ignorant of his facts or however ungenerous he himself may be, and I can assure you with perfect confidence that if any Irishmen are responsible for such threats they do not represent genuine Irish feeling. But, doubtless you have heard before of "the devil dress-

ing himself in the livery of heaven" so as to strike his opponents in the dark, and I recommend for your consideration the probability that these anonymous letters originated with an entirely different source than that to which you have attributed them.

The burden of your speech is upon what the Irish did or did not do in the Revolutionary War. You profess to believe they had no part in that struggle; that there were so very few Irish in this country at the time that their cooperation was utterly negligible. As one who has given many years of research to this subject, I am willing to admit that heretofore there has been much doubt and confusion as to the actual facts, and I admit also that some exaggerations have been indulged in by Irishmen whose enthusiasm was greater than their knowledge of the facts.

But let me tell you, sir, that there is no longer room for doubt on this subject, and in order that you may satisfy yourself on that point I am sending you a copy of a recent publication entitled "A Hidden Phase of American History." Almost without exception the critics agree that this book is a fair and impartial study of the case, and you will not find one statement within its covers where the authority is not fully shown. It stands as a challenge to every opponent of the principle that America is much indebted to Ireland; and, furthermore, you will find absolute proof in this book that America owes more to Ireland for the part played by her sons in the struggle for our independence than she does to any other country on earth.

In your opinion, statements such as this are only "part of the braggart nature of the Irish," who are "always contending that they have done everything, everywhere, at every time." I have never known, and I am certain no living person has ever known, that the Irish have made any such ridiculous contentions. * * *

Since you regard as incredulous anything that the Irish may say on this matter, suppose we cast aside every statement on the subject from an Irish source and find out what our enemies at the time of the Revolution had to say on the subject. Doubtless you regard English opinion worthy of credence, and it is English testimony I shall quote here.

(1) Let us first put on the witness stand the most competent of all English witnesses of the time, no less a person than Gen. Sir Henry Clinton, commander in chief of the English armies in America. On the 8th of March, 1778, Lord George Germain, secretary of war, wrote Clinton, directing him "to draw off from the American Army the number of Europeans which constituted its principal force." On the 23d of October, 1778, Clinton replied to this letter, relating the difficulties of carrying out these instructions, and in referring to the Continental Army Clinton said: "The emigrants from Ireland are, in general, to be looked upon as our most serious antagonists." This document is in the English archives at the public record office in London, and, as I have no doubt you have sufficient influence with "the powers that be" to secure a copy, I suggest that you send for it, since it is a rare historical document. But, as you may not wish to go to that trouble, I am sending you a photographic reproduction of the page from Clinton's letter in which this remarkable statement appears.

(2) Let us consult the testimony of Ambrose Serle, confidential agent of the British cabinet, who was sent to this country in 1776 by Lord Dartmouth, secretary of state, with instructions to determine and report upon "the strength, character, and personnel of the Rebel Army." Serle's letters to Lord Dartmouth indicate that he was an astute and observant official, and one in whose statements perfect reliance could be placed. In his very first letter to the home government, dated New York, September 25, 1776, Serle said: "Great numbers of emigrants, particularly Irish, are in the Rebel Army * * * and here they do Great Britain much injury by bringing over numbers and trades, and so adding strength, already too great, to the force of America against her." This document is among the records in the Tower of London, and, so as to save you the trouble of sending some one to that unsavory place to secure a copy, I am also sending you a photograph of Serle's written statement.

(3) You impugn as unworthy of consideration the statements of Galloway and Robertson that "one-half the Revolutionary troops were Irish." You do this in such a way as to make it clear that you believe no such testimony was ever given, and it is evidently your intention to create the impression throughout the country that this assertion emanates solely from "the braggart nature of the Irish." Now, while I myself believe that this estimate was exaggerated, I will prove to you that the testimony was actually given * * *. This testimony was given under oath before a committee of the lords and commons

In the year 1779; Galloway's statement was printed in the Royal Gazette of October 17, 1779, and Robertson's in the Parliamentary Register, or Proceedings of the House of Commons, and you will find photographs of both statements in *A Hidden Phase of American History*, at pages 78 and 90, respectively. In face of this you will no longer dare to assert, will you, Senator WILLIAMS, that this testimony was never given?

But as to what weight should be given to this testimony there may be some doubt. I have tried to verify it, but without success. I examined every available muster roll of the Revolutionary Army; I took down the total number of men and the number of Irish in each and every unit, and on the most careful and conservative computation, and casting aside all predilections in favor of the Irish, I found that at least 38 per cent of the American Army of Liberty were of Irish birth or of Irish descent. You can see for yourself how this proportion was arrived at, if you care to trouble yourself about the facts.

You say "there were 10 Irishmen in the British Army to every one in the American Revolutionary Army." That, sir, is an absolutely false assertion, and you have no warrant or authority whatever for it, since not even the worst enemy of the Irish has ever dared to make such a statement. It is perfectly true there were Irishmen in the British Army, as unfortunately there have been at all times, but that you may know with what reluctance these men fought against the colonists, I quote from the Pennsylvania Packet of November 27, 1775, a letter from Cork, Ireland, detailing the failure of the recruiting officers to fill up the regiments destined for the American service: "Many of the drafts that have come here to fill up the regiments ordered abroad swear they will never draw a trigger against the Americans, amongst whom they all have relations." The same writer prophesied wholesale desertions of Irish soldiers from the British regiments, and I have found abundant evidence to show that the Irish soldiers took every opportunity of "deserting to the rebels." See *Force's American Archives* (4th series, vol. 3), the *New York Historical Society Collections* for 1875, and the *Royal Gazette* for October 18, 1780.

Another of your statements is that "two-thirds of the Irish in America (in Revolutionary times) were Scotch-Irish and English-Irish from Ulster." That is another falsehood, as is amply proven by the records quoted in *A Hidden Phase of American History*. If it were so, how do you account for the preponderance of Irish names on the muster rolls, over and above those of supposed Scotch and English origin? How do you account for the great number of Revolutionary soldiers bearing the oldest names known to Irish family nomenclature? Let me illustrate by a few of these names and the number of Revolutionary soldiers of each name whom I have found on the rolls: Kelly, 695; Murphy, 494; Connor, O'Connor, 327; McCarthy, 331; Ryan, 332; Reilly, 286; Sullivan, 266; Dougherty, 248; Connolly, 243; Burke, 221; O'Brien, 230; O'Neill, 178; Fitzgerald, 184; Donnelly, 155.

Of 100 surnames of as ancient Irish origin as these, I have counted on the rolls a total of 12,293, and when the fact is considered that numerous other Irish names are represented on the rolls, I leave it to your own imagination to conclude what a gross injustice you have done to the Irish who fought and bled that this country of ours may be freed from foreign yoke.

I call your particular attention to the list of officers of Irish blood in the Revolutionary Army and Navy—nearly 1,500 in all—and to the further fact that Washington selected as his personal secretaries and aides such men as Reed and Carey, sons of Irish immigrants, and Moylan, McHenry, and Fitzgerald, natives of Ireland. Were these men, as well as Sullivan and Barry, O'Brien and Butler, and the many other trusted officers of the patriot army and navy your "Scotch-Irish" and "English-Irish"?

From *A Hidden Phase of American History* you may acquaint yourself with these and a thousand other facts concerning the Irish in the Revolution, and after you have read the book I assume you will not be unwilling to make the amende honorable and retract your previous statement. By your intemperate utterances as a public man, you have grievously injured the finest feelings of millions of people who have stood by their country in all the wars in which America has been engaged, and since even the commander of the English armies admitted that "the Irish emigrants" who enlisted in the "rebel" forces were his "most serious antagonists," surely it will not be incompatible with the dignity of even a Senator of the United States to admit that he was wrong.

Very respectfully,

MICHAEL J. O'BRIEN.

HOUSE BILL REFERRED.

H. R. 9783. An act to provide a national budget system and an independent audit of Government accounts, and for other purposes, was read twice by its title.

The VICE PRESIDENT. As the Senate has appointed a special committee to devise a plan for a budget system, the bill will be referred to that committee.

SOCIALISTIC ACTIVITIES—FEDERAL TRADE COMMISSION.

Mr. HARRIS. Mr. President, I ask unanimous consent that I may make a brief statement relative to the resolution introduced on the 20th instant by the Senator from Indiana [Mr. WATSON] and referred to in the letter sent to the desk by the Senator from Iowa [Mr. KENYON].

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, we on this side of the Chamber could not hear the request of the Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent to make a brief statement touching the remarks of the Senator from Indiana [Mr. WATSON] on the subject of "red" activities in the Federal Trade Commission. Is there objection? The Chair hears none, and the Senator from Georgia will proceed.

Mr. HARRIS. Mr. President, I shall heartily support the resolution of the Senator from Indiana [Mr. WATSON] to investigate charges against employees of the Federal Trade Commission. I do more than that; I urge that it be reported without delay. The speech of the Senator, in my judgment, will do more harm to efforts to reduce the high cost of living than anything that has occurred since I have been a Member of the Senate. The Federal Trade Commission has made known certain facts in regard to the methods of the five meat packers which are being considered by the Senate Agricultural Committee. The facts can not be contradicted, and an attack on a few minor employees will not deceive the public or prevent the consideration of these facts on their merit.

Mr. President, I was appointed by the President as a member of the Federal Trade Commission when it was first organized. The commission took over all employees of the old Bureau of Corporations, which was a part of the Department of Commerce, and was organized, I think, by Mr. Frank Hitchcock, then Assistant Secretary of Commerce, who was afterwards chairman of the Republican National Committee and Postmaster General. Most of these employees are still there; they were placed under the civil service, and nearly all are Republicans. Mr. Walter Durand, one of the economists who was condemned by the Senator, is a brother of Mr. E. Dana Durand, former Director of the Census, and before that connected with the Bureau of Corporations. Mr. Dana Durand was employed by the packers while his brother was engaged in this investigation.

I do not remember the other employees of the commission referred to by the Senator. The administrative part of the commission, under a resolution which I offered while a member, was placed entirely under the secretary of the body, and the commissioners did not come in contact with the minor employees. I did not know their views; but if the charges of the Senator from Indiana are true, they should be discharged at once, not only in the commission, but in all other Government agencies.

When the investigation of the packers began, Mr. Edward N. Hurley was chairman. He was afterwards chairman of the United States Shipping Board, and did as much as any man in this country to help win the war. I have never known an abler man or one who was more anxious to do constructive work for the benefit of the people of this country. Mr. Hurley has made a great success in business. The Federal Trade Commission is composed at present of former Gov. Fort, of New Jersey; Mr. William B. Colver, of Minnesota; Mr. Victor Murdock, of Kansas; and Mr. Houston Thompson, of Colorado. I served with the first three members for several months, and while we did not agree at all times on all matters, I found them to be conscientious and able men, with only one thing in view—to serve their country. Gov. Fort, a Republican, had been governor of his State and a member of the supreme court of New Jersey. Mr. Colver is a very able man, and whatever else may be said of him, no one charges that he is not the friend of the consuming public. Mr. Murdock was for many years in Congress, a leading Republican and Progressive—a man who has the confidence and respect of everyone who knows him. Mr. Houston Thompson had been Assistant Attorney General, where he rendered most able service. He has been a Republican in politics, but, I understand, voted for President Wilson. There is no politics in the commission, so far as I know. The commission's

work in cost accounting during the war saved this country hundreds of millions of dollars in Government purchases. The chief economist is Dr. Francis Walker, a son of Gen. Walker, of Massachusetts, who was Director of the Census Bureau just after the Civil War and a man of ability and character. Mr. Roberson, who, with Dr. Walker, planned the investigation of the meat packers, was with the old Bureau of Corporations through several Republican administrations. He is a man of ability and is one of the most useful men I have met in the Government service. The administrative office of the commission during my service there was in the entire charge of Mr. Leonidas Brackens, who is from the Senator's own State. He had full charge of the employees and directed investigations. He is a man of ability, education, and integrity. There may be a few exceptions; but, taking them as a whole, there are no more efficient or honorable employees in this Government than those of the Federal Trade Commission.

There are very few employees of the commission from my section of the country and there is no commissioner from the South.

Mr. President, I have been greatly surprised at statements made on the floor of the Senate about efficient and honorable employees of the Government who can not defend themselves. I am glad to say that the first statement I made in the Senate was in the defense of the members of the Tariff Commission, with whom I had been officially associated. I knew them to be honorable, upright, and able men. The men I defended were Republicans, but my association with them and the Government agencies with which they were connected convinced me that a great injustice had been done them. For my part, I think the injury done to the man who is stabbed in the dark is no greater than the injury inflicted upon the character of efficient public employees by charges in Congress which investigation beforehand would show to be groundless. I shall always be guarded in my remarks in criticizing public officials.

Lawyers, when they have a poor case and can not controvert the facts, resort to denouncing and ridiculing the attorney and plaintiff on the other side, and the Senator's effort to discredit the Federal Trade Commission will hinder but will not deter those who are trying to bring some constructive legislation that will protect the consuming public. The combination of the meat packers is doing more to prevent the reduction of the high cost of living than any other monopoly in this country. They are spending millions in lobbying, advertising, and in other directions in their propaganda to prevent legislation that will curb their power. If they would reduce their profits and give the people the benefit of the millions they are spending in this way, there would be no necessity for such legislation; but they have resorted to the plan which wrought havoc to the railroads by trying to defy the Government and prevent needed legislation through lobbying and paid advertisements. In some papers the press report giving facts about the packers' methods is placed underneath the criticism and attacks of the five packers on the Federal Trade Commission and its members. The Federal Trade Commission stands between the consuming public and the monopolies of this country. If you discredit the commission by charges against its employees and the commissioners or otherwise, it will do more to perpetuate the monopolies and continue the high cost of living than anything that can be done.

Mr. President, there has never been a lobby in this country so powerful as that of the packers. One of the greatest lobbies ever before Congress was when the packers were powerful enough to secure legislation allowing them to control their private cars, which, like the pipe lines of the Standard Oil companies, enabled them more than any other thing to prevent competition and perpetuate monopoly. The packers have not only hired agents but they are spending millions of dollars in advertising and other ways in trying to influence the public. Their lobby to prevent the passage of the Borland resolution to investigate the packers has never been surpassed. The packers have tried to employ men who had influence with Members of Congress or the Government agencies. They have not stopped at anything in their propaganda. They have sent their employees to cities and towns and by distorting the facts have had resolutions passed by civic bodies and other organizations. They have forged telegrams that were never signed. The organization of the packers is so great and the combination so complete that they can put out of business any wholesale or retail grocer in any part of the country. There is no individual in the State of Indiana or in the country whose living expenses are not made higher by reason of the monopoly of the packers. The prices of all of the hogs and cattle raised by the farmers in Indiana and the entire country are fixed by this combination of packers.

If the Senator from Indiana does not know, many others do, that the packers are good friends when it comes to contributions for campaign funds, but enemies of the public when it comes to reducing the cost of living.

Mr. President, I think every man who is writing or speaking against our form of government should be sent out of this country, and for my part I am opposed to any immigration into this country for some time because of the large foreign element in sections of the United States who do not understand our form of government. I favor the deportation of all Bolsheviks, anarchists, and such people, and I am proud to say that in my section we have none of that class. I regret that they are such a menace to other sections of our country.

I agree with all the Senator has said about Bolsheviks, anarchists, and socialists, and I shall join him in every effort to get rid of such people in the Government service and the country. However, if the Senator discredits the Federal Trade Commission, destroys its usefulness, and the legislation to regulate the packers is defeated, then I fear the Senator will have aided the cause of socialism and Bolshevism a thousand times more than all the Government employees he has mentioned. But I hope that while we are ridding the Government of this undesirable class the distinguished Senator from Indiana will join with other Senators who are trying to enact constructive legislation to regulate the packers, prevent them from continuing to make the cost of living high, help defeat the object of their campaign to discredit this legislation, and protect the people from this monopoly.

The Senator began his remarks by saying, "What I say in support of this legislation is in no wise a defense of the packers." The packers are now spending millions of dollars to discredit and destroy the Federal Trade Commission, but none of their efforts have been as effective as those of the Senator from Indiana. If the Senator can discredit the commission in this investigation he has accomplished more for the packers than they could for themselves with all of their millions spent in lobbying and propaganda. He will also advance the aims of Bolshevism and socialism if he causes the people of our country to lose confidence in their public officials.

Mr. WATSON. Mr. President, I have been very much interested in the remarks of the Senator from Georgia. The speech that he has delivered is in the nature of confession and avoidance. He has said that he is in favor of the adoption of the resolution introduced on Monday.

Mr. HARRIS. Mr. President, I am in favor of the resolution, because an investigation of the employees of the Federal Trade Commission will show that they are faithful, honorable, and patriotic employees of this Government, with perhaps a few exceptions.

Mr. WATSON. The Senator reiterates, Mr. President, that he is in favor of the resolution, and therefore he and I are together on that fundamental proposition. The statement I made had no reference whatever to the Federal Trade Commission as such. I distinctly stated that I was not seeking by this resolution at this time to involve the members of the Federal Trade Commission as such. As to what may develop in the course of an investigation I do not know; but I did state on my responsibility as a Senator that I had carefully investigated the matter to which I referred in my remarks and that I had every reason to believe, after a faithful investigation, that the charges I made were true. All I ask is an investigation in order to prove the truthfulness of these propositions.

Mr. KENYON. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I yield.

Mr. KENYON. I should like to ask the Senator if he personally investigated the charges which he made against Mr. Basil Manly, and if he has heard the letter of Mr. Basil Manly read this morning?

Mr. WATSON. I heard a part of the letter of Mr. Manly read.

Mr. KENYON. Does the Senator say that he personally investigated the charges against Mr. Manly before he made his speech?

Mr. WATSON. I do.

Mr. KENYON. And that the charges are correct?

Mr. WATSON. Yes.

Mr. KENYON. Would the Senator object to giving us the sources of his information as to Mr. Manly?

Mr. WATSON. When that committee meets I will give the source of my information.

Mr. KENYON. Will the Senator say that those sources of information did not come from the packers or their representatives in this city or anywhere else?

Mr. WATSON. I say that they did not. I do not know a packer, one of the big five; I never met one.

Mr. KENYON. Did the Senator meet any of their lobby in the city of Washington before he prepared his speech?

Mr. WATSON. I did not. I have had communication with but one man in any wise connected with the big packers.

Mr. KENYON. Will the Senator say that none of his information as to these men came from the representatives of the packers?

Mr. WATSON. I say that.

Mr. KENYON. It did not?

Mr. WATSON. It did not. In other words, my information about the Federal Trade Commission came from the inside of the Federal Trade Commission itself. That is where I got it, and after I got it I hunted out one man in this town and asked him whether or not he had information along the same line.

Mr. KENYON. Mr. President, does the Senator then charge that the refutation of Mr. Manly—who had no chance to reply to the attack except by this letter—is untrue?

Mr. WATSON. I will say to the Senator from Iowa that I did not hear all the letter read because I was interrupted, but the part I heard I think I can disprove. In other words, I want to say to the Senator from Iowa that if we have this investigation for which I have asked I expect to substantiate every statement I made with reference to these men and their socialistic activities.

Mr. KENYON. The Senator has heard no opposition to the resolution, has he?

Mr. WATSON. No; not that I know of.

Mr. KENYON. Everyone favors it. Where is the resolution now? Why is it not presented and passed?

Mr. WATSON. It is before the Committee to Audit and Control the Contingent Expenses of the Senate; and the Senator from New York [Mr. CALDER], who is the chairman of that committee, has been absent until this morning, and I had no opportunity to take up the matter with him.

Mr. KENYON. Does the Senator expect the resolution to be reported out of that committee?

Mr. WATSON. Yes.

Mr. KENYON. If it can be reported out now, it can be passed. There is no one opposed to it that I know of.

Mr. WATSON. The only point about it is that it is necessary for the committee to make an estimate of the cost, and then it must be brought into the Senate. The committee has not met for that purpose.

Mr. CALDER. Mr. President, our committee having been brought into this matter, I may say that we have not had a meeting. I have not read the resolution. I have no knowledge of it except what I have seen in the newspapers and what has been said this morning. We will have a meeting in due time and pass upon it, and undoubtedly will report it.

Mr. WATSON. I called the attention of the Senator from New York this morning to the resolution when I learned that he had returned.

Mr. CALDER. Mr. President, I might add that the Senator from Indiana called on me this morning and said that it was his purpose to bring the resolution to my attention further during the day and ask for consideration of it.

Mr. WATSON. Now, Mr. President, all I want to say is this: This thing can not be thrashed out on the floor of the Senate. It can be determined by the members of the Interstate Commerce Committee if this resolution is passed, and all I want is the opportunity to prove the truthfulness of my assertions.

My friend the Senator from Georgia has made two statements that are wide apart from the issue involved. The first is a defense of the Federal Trade Commission, which has not been assailed. The second is the charge—

Mr. HARRIS. Mr. President, I should like to say to the Senator that the Associated Press carried his entire speech, and the headlines in the papers that I have seen from the South all refer to the attack made on the Federal Trade Commission and its employees.

Mr. WATSON. I am not responsible for what any press report carries. My speech speaks for itself, and my charge was directed against the employees of the Federal Trade Commission during the time they were occupied in investigating the packers in the city of Chicago. Now, I want to ask my friend from Iowa a question. I want to ask him whether or not he denies the socialistic activities of these gentlemen whose names I gave?

Mr. KENYON. Mr. President, I have said nothing about anyone except Mr. Manly. I do not know the other men. If they are guilty of the things the Senator claims—that is, that they are "reds"—they should be fired out of the commission just as quickly as they can be fired.

Mr. WATSON. Precisely.

Mr. KENYON. I am with the Senator on that. I want to know, however, whether that is the real purpose of the resolution, or whether the purpose is to injure the bills that are pending here for the control of the packers?

Mr. WATSON. Mr. President, I distinctly stated, and I reiterate, that I have no desire in the world to interfere with the investigation that is being conducted by the committee of which the Senator from Iowa is chairman.

Mr. KENYON. No; the Senator is entirely mistaken about that. I am not the chairman of it. That matter is before the Committee on Agriculture and Forestry.

Mr. WATSON. Before the Committee on Agriculture and Forestry; yes. I have not read one line of that testimony.

Mr. KENYON. But is it not a little strange, when these gentlemen have been employed there for years, that this question has never been raised until we get to the consideration of the packers' bill? That is what arouses a person's curiosity as to these attacks.

Mr. WATSON. Mr. President, for many weeks I have been investigating the activities of socialists in the departments in Washington, not only in this department but in other departments; and I will say to the Senator that I propose from time to time to bring up these other departments, and to give the names of men who are employed, and to give the socialistic activities of these other men.

Mr. KENYON. Mr. President, I hope the Senator will do it at the earliest possible moment, and he will find a most cordial cooperation among the Members of this body; but how does it happen that at this time, when we are considering the packers' bill, we simply get this one, which the Senator must realize would have a very bad effect upon the consideration of that bill? It would discredit the report of the Federal Trade Commission. The Federal Trade Commission never was attacked until it had the nerve and the courage to tell the American people some of the facts about the Packing Trust.

Mr. WATSON. Mr. President, if the Federal Trade Commission has told the country the facts, those facts are not going to be overturned by the character of the men who made the investigation.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. WATSON. Yes.

Mr. PENROSE. The Senator from Iowa says the Federal Trade Commission never was attacked until the packers' legislation came along. I can hardly let that statement pass without challenge. I have been overwhelmed for several years with complaints from business men concerning the Federal Trade Commission for its inefficiency, incompetence, and inability to discharge the public business. It is notoriously so.

Mr. KENYON. I think that correction is well taken as to my remarks. I should have said it never was attacked as to its socialistic or "red" tendencies.

Mr. PENROSE. I have hardly heard an epithet of condemnation in the English language that has not been visited upon every individual member of the Federal Trade Commission.

Mr. KENYON. Well, I suspect that is no more true than it is of the condemnation that is visited upon Members of Congress and Members of the Senate.

Mr. PENROSE. That may be.

Mr. KENYON. But I say they never have been charged with being disloyal and socialistic and anarchistic in their tendencies, except possibly by some big business concerns that they might be investigating.

Mr. PENROSE. I am glad the Senator from Iowa concedes, then, that this is not the only time the Federal Trade Commission has been attacked.

Mr. KENYON. Does the Senator say they have been attacked before as socialistic and anarchistic?

Mr. PENROSE. I have heard almost every epithet, charge, and designation, mostly unfit to print, applied to the Federal Trade Commission.

Mr. KENYON. The Senator has heard things that I have not, then. He has had information that I have not.

Mr. THOMAS. Mr. President, I have heard a good many hard things and a great many epithets regarding the senior Senator from Pennsylvania, but I have not given them any credit.

Mr. PENROSE. Mr. President, that may be. In the rough and tumble of party politics we hear those things; but here is a semijudicial body that is absolutely condemned—I know of no exception—by the business men who have been unfortunate enough to come before it for its incompetence and its inability to discharge any function that I have been able to ascertain.

Mr. HARRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON. I yield to the Senator from Georgia.

Mr. HARRIS. I am familiar with some of the investigations made, and I recall that from the Senator's State, the State of Pennsylvania, a number of business men were before the Trade Commission, and about 200 in that section of the East, some from Pennsylvania, plead guilty to the complaints made against them. I will cite an instance to show the work the Trade Commission is doing, and of course they will always be abused by big business that is not trying to do a legitimate business.

There was a man in San Francisco selling poles. The Western Electric Co. was a competitor. He did not know that. They not only destroyed his business but they actually bought the business of this poor man—everything in the world he had. The Federal Trade Commission investigated it, and the General Electric Co. paid this man \$30,000, I believe, and gave him back his property, when the Trade Commission investigation showed what had been done.

Men like this, Mr. President, will always be denouncing the Federal Trade Commission. Men who believe that big business should do as they please, and not let little business get along and get a start, just as they did, will always be denouncing the Federal Trade Commission. If the Senator from Pennsylvania will remember the men who denounced the Federal Trade Commission, and will give a list of them to the Federal Trade Commission, he will probably find that they have been investigated by the commission for unfair practices in commerce.

Mr. WATSON. The statement the Senator makes is wide of the mark so far as the purpose of this resolution is concerned.

This resolution charges that certain men employed by the Federal Trade Commission are socialists, that some of them are anarchists, and the question that I want investigated is whether or not that is true. If that be true, both Senators say that these men should be ousted from their present positions. The question as to whether the packers are guilty or not guilty has not a thing in the world to do with the question involved. All agree that if my resolution charges the truth, these men should be ousted from their present positions. All I want is an investigation, and then, if I do not show the truthfulness of every charge I have made, I will honorably say so on the floor of this body. My information is entirely reliable and entirely trustworthy, and I propose, if this investigation is ordered, to prove the truthfulness of the charges I have made. If I do that to the satisfaction of my friend from Iowa [Mr. KENYON] and the Senator from Georgia [Mr. HARRIS] I have no doubt that both of them will agree that these men, and all of like character, should be ousted from public position in this and every other department of the Government service. That is the only object I have in view.

Now, I want to make response to one statement made by the Senator from Georgia. I know that he did not mean it in a personal way, but I do not think I should permit it to pass without being noticed. He says that if the Senator from Indiana does not know, other Senators know, and other people know, that the packers are large contributors to campaign funds. Mr. President, no packer ever contributed one dollar to any campaign fund of which I have any knowledge. If the packers ever gave one dollar to anyone for political purposes in the State of Indiana I do not know it. Certainly, if the Senator had any reference to me personally, I would repel it as an outrage.

Mr. HARRIS. I want to state to the Senator that I had no reference to him personally; I have the very highest regard for him; but I state, and I state with a knowledge of the facts, that they have contributed largely to campaign funds, and it is generally known by men in public life.

Mr. PENROSE. Mr. President, will the Senator from Indiana permit me on that point?

Mr. WATSON. Certainly.

Mr. PENROSE. I am a little astonished at this disclosure of sensitiveness on campaign contributions. There is not a prominent man connected with the present administration, in a position of authority, who did not get his original recognition by reason of the size of his campaign contributions to the Democratic Party—every ambassador, every man connected with the peace conference in Paris; I do not want to mention names, but notorious Wall Street gamblers; men regardless of how they made their money as long as they were lavish enough to the Democratic Party. I am surprised that the Senator develops this fine sensitiveness about campaign contributions at this late date. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are paying no attention to the rules of the Senate, and the doorkeepers are paying no attention to the orders of the Senate.

Mr. HARRIS. I am sorry the Senators are so sensitive about campaign contributions. I want to say to the Senator that I had no reference to them or to the Republican Party or any other party. The packers are interested in legislation and are spending fabulous sums in a propaganda to defeat legislation at this time. They do not care any more about one party than they do another. I had no reference whatever to the Republican Party or to any party.

Mr. PENROSE. Mr. President, I have no doubt that certain groups of the packers have been very liberal to the Democratic Party.

Mr. HARRIS. I do not know about that, Mr. President. The Senator is higher up in the party council than I am.

Mr. PENROSE. The Senator seemed so familiar with the other facts that I supposed he was an expert on the subject of campaign contributions.

Mr. WATSON. Mr. President, the other proposition involved is that several of these employees, as stated by the Senator from Georgia [Mr. HARRIS], are Republicans. I know nothing about that. If the Republican Party has within its fold men of the character of those I described the other day, and those men are Republicans, then I am not a Republican. If I had my way about it no man who believes in the things that those men believe in and have practiced and worked for should ever be recognized in the councils of the Republican Party. Certainly the Republicanism in which I believe, and in which I have believed and for which I have labored all my life, is not that kind of Republicanism, because the Republican Party has never believed in any of these socialistic ideas, but on the contrary has always believed in constitutional government, representative in character, with the right of individual initiative and individual endeavor, and with the right of ownership and use and enjoyment of private property.

Mr. KENYON. I did not have the pleasure of hearing the Senator's speech, nor have I yet had time to read it. But I understood the Senator had described these men not only as socialists but virtually as anarchists and as attending meetings of the "reds."

Mr. WATSON. Yes, sir.

Mr. KENYON. That is what I mean when I say that if the Senator proves that they should be expelled at once from Government service. But the Senator now says that if he should show they were socialists they ought to be at once expelled. Does the Senator mean that no socialist should be in any way employed by the Government? I do not want to go to that extent.

Mr. WATSON. Mr. President, if I were to enter here upon a dissertation on the subject of socialism, it would take me two hours to give my views upon that subject.

Mr. KENYON. The Senator said he believed they should be expelled. I go to the point of agreeing with that view if the Senator shows they are "reds" and anarchists.

Mr. WATSON. That is what I will prove.

Mr. KENYON. But I do not want to go to the extent of saying that they should be expelled if they might happen to be socialists.

Mr. WATSON. There are at least 49 varieties of socialism; 57 varieties, my friend from Colorado [Mr. THOMAS] suggests. Of course, Mr. President, I would not go to the extent of saying that every man who entertained any of the mild views that some socialists entertain should be kept from public position. But I do mean that I do not believe that men who believe in the fundamental principles of socialism—and fundamentally socialism and Bolshevism are the same, as I could prove beyond a doubt if I cared to go into it—men of that stamp of character who are opposed to all government, ought to be permitted to work for any government. I do not believe that the men who believe that business should be taken away from the men who have made it and the men who own it and given to the Government should be sent out to investigate business of any character. They are against all business, and are therefore in no frame of mind or mental attitude to investigate any business. I do not believe that a man who is opposed to the fundamental principles of this Republic ought ever to be employed in any official capacity by this Republic, and that is the thing I have in mind. And I will say to the Senator from Iowa [Mr. KENYON] that I think I shall show to his satisfaction that these men are guilty of the very things I have charged.

Mr. SMOOT. Mr. President, from the statement made by the Senator from Georgia [Mr. HARRIS] I take it for granted that he is very deeply interested in the question of reducing the high cost of living. Evidently he thinks that the Federal Trade Commission is the body that is going to bring about that reduction. I want him, as the personal defender of the commission upon this floor, to call the attention of the commission to the report of

a subcommittee of the Agricultural Committee of this body. Senator BALL was chairman of the subcommittee, and I want at this point to call attention to a part of the subcommittee report. The subcommittee reported that—

Frequently retail prices are from 200 to 300 per cent in excess of the wholesale prices. It would seem that the retail meat dealers receive a greater per cent of profit than the farmer, live-stock raiser, buyer, railroads, commission men, and cold-storage houses and packers combined.

I think, Mr. President, that is a fruitful field for the Federal Trade Commission to investigate, but I doubt whether an investigation will be made, because there are too many voters involved, and it is not popular at this time to attack a business, even though making two or three hundred per cent, if many votes are involved. It is admitted by everyone that the packers make only 2 per cent on their turnover, the smallest of any line of business in all the world; but they have few votes. This is a splendid place for the investigation of the Federal Trade Commission to begin, Mr. President, to see how the high cost of living can be reduced. It was shown—and I know it to be true—that to-day the wholesale price of beef in the District of Columbia is \$16.44 a hundred. That includes every dollar that is paid to the man who raises the steer, all the expenses attached in raising it, the expense of purchasing it, the expense of shipping it to market, and the expense of the packer from the time he receives the steer until the beef is put in the retailer's hands here in the District of Columbia. I doubt very much whether \$16.44 a hundred, for which that beef is sold by the packer to the retailer in the District of Columbia, will cover the difference between the wholesale price and the price that the consumer is compelled to pay in this city.

LIVE-STOCK INDUSTRY OF THE WEST.

Mr. CAPPER. Mr. President, I have here a communication from the Kansas State Live Stock Association, one of the strongest and largest associations of producers in the West, which I would like to have read by the Secretary, and then, if I may have the unanimous consent of the Senate for a few minutes, I would like to have the indulgence of the Senate for a brief comment on the subject.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: The executive committee of the Kansas State Live Stock Association have requested us to appeal to you and other Members of Congress and to the various departments of the Federal Government in behalf of the live-stock industry of the West, which is now threatened with disaster.

We have the anomalous situation at this time of complaint from consumers all over the country that meat prices are high, while at the same time the producer is losing money on every animal he markets at present prices.

We believe that from the supply and demand standpoint there is no legitimate cause for the radical decline of 25 per cent in live-stock values in the last 90 days. But, nevertheless, every animal marketed to-day loses the cattle feeder from \$30 to \$50. The loss to live-stock raisers in Kansas alone amounts to millions of dollars in the last few weeks. There will be a great falling off in number of cattle and hogs fed in the Southwest the coming season, and production greatly curtailed, if conditions do not improve.

Legislation that will assist in opening up the foreign markets, establish a system of credit advances for foreign buyers, stabilize the home markets, and reestablish normal business conditions at the earliest possible moment will be of great assistance to us. There should also be a reduction in ocean rates on meat products to European markets.

We believe the situation should have the best attention of the Federal Government.

Very respectfully,

W. R. STUBBS, Chairman.
J. H. MERCER, Secretary.

Mr. CAPPER. Mr. President, I call the attention of the Senate especially to this memorial because it has direct bearing upon the relation of the producer to the problem that is uppermost now in the minds of all the people of this country, and which really is at the base of the inquiry that is now being conducted in this city by the industrial conference.

A subject that is engrossing the attention of the whole Nation at this time is the matter of the cost of living. On every hand it confronts us. It touches every person in our land. The industrial conference now in session at the call of the President has at its base, as I said, this same vexing problem. In our efforts to get rid of the high-cost-of-living disease I fear we are in some danger of dying of the remedy. As a result of Washington's effort to reduce high prices by bearing down entirely on the cost of food, we have the remarkable spectacle of a rise of 1 per cent in the cost of living coincident with market drops that are putting live-stock raisers out of business and causing serious losses to other producers.

Mr. President, for many years I have been in touch with farming and with the needs and aspirations of farmers. We do not need the statistics—which, if required, might be produced in abundance—to convince us of the patriotism of the farmers of the Nation in responding to all war needs, whether in increased

production, in subscribing to war charities and war loans, or in giving their sons to the Army and Navy and their wives and daughters to replace them in the field. We know full well of the nature and degree of the farmer's response to every call made upon him. But when the call went out summoning this great industrial conference to meet in Washington, the farmers of the Nation, constituting almost half of our producing population, were accorded but three representatives. Agriculture, the greatest of all industries and the basic industry of the country, finds itself playing a minor part, so far as number of representatives is concerned, in a conference which, if it succeeds in its purposes, will have a vital effect on the future industrial life of the Nation.

In this agriculture is acting a not unusual rôle. It is unfortunate, but it is true, Mr. President, that agriculture never has received recognition in proportion to its vital importance in this country. Always it has been called upon to serve, rarely to participate in making the rules of service.

During the war and since the war, in whatever has been done to meet emergencies, it is the consumers' best friend, the producer, who has invariably been hit. He has been the one who chiefly has borne the brunt of it. When the control of the Food Administration was lifted last winter from flour, shorts, and bran, these products almost doubled in price immediately. Many dairymen were compelled to go out of business because they could not buy mill feed. But grain made little or no advance.

Then came dollar-an-hour wages, which would require about \$3 wheat for the average winter-wheat grower to break even. And this has now been followed by a decline in the market price of all farm products incidental to an otherwise resultless campaign against profiteering which has left the producer in a position where he is getting decidedly the worst of it.

Farmers were urged during the war to produce wheat and were rewarded by an appreciative Government with a guaranteed price—nearly a dollar a bushel below what was being received in the open market. And the great United States Government profited \$23,000,000 at the expense of the farmer in 1918. Then, early this year, the war having closed, the Government guaranteed the farmers a price for their wheat, and the Congress appropriated a billion dollars to back up the guaranty, but the farmer has been accepting anything from 20 to 70 cents less than the guaranteed price. The Government not only has the billion dollars saved, but the United States Grain Corporation, by means of an embargo on wheat and wheat products to Europe, probably will be able to report an equally large profit for the year 1919. The situation of the live-stock farmer is even more deplorable. Urged by the Government at the beginning of the war to produce an increasing amount of pork and mutton and beef, he responded as did the wheat farmer. In 1918, with the war on, he made a satisfactory profit, though nothing in comparison with the profits made by manufacturers in practically every line. It takes three years, Mr. President, to produce a steer for market. This year, with the war ended, with the Government out of the market, with the European markets closed by reason of prohibitive foreign exchange rates and lack of credit, with the Government making its first essay into the cost of living problems by a demand for a lowering of price of farm products, the live-stock man to-day finds himself confronted with a demoralized market, and a loss amounting sometimes to as high as \$60 a steer on the very live stock that the Government induced him to produce. The result has been complete financial failure of many live-stock men and immense losses to all who had herds when this year's enormous slumps in prices occurred.

Farmers are selling their grain-fed beeves and hogs for less than it costs to produce them, but the consumer finds little or no change in the price of meat.

While everything a farmer must buy demands the high dollar, the price of his commodities, the cheapest in the market, are held down by a foreign embargo and a Government guaranty.

In 1917, when the Government set the price on wheat, Kansas farmers were selling it for \$2.45 to \$2.60 a bushel. Everything, including labor, has since doubled in price, but farmers are compelled to sell these same grades of wheat to-day for \$1.80 to \$2.04 a bushel. In Kansas the wheat area has been reduced two to three million acres as a consequence.

Without visibly helping the consumer, we have brought about a crisis in our most fundamental and vital industry by forcing the producer to accept prices at which he can not continue to produce.

We can not continue to take away from the producer the comparatively small profit he makes and expect him to go on producing and increasing his output. Such a policy leads inevitably to a lessened food supply and to more instead of less privation.

The policy, Mr. President, of fostering all industries except one, and neglecting that one, the most vital of all, is to-day driving many farmers out of business. In every big town in the Middle West you will find to-day many men working for day wages who will tell you they are retired farmers. The truth is they either failed to make a real living as tenant farmers, or, if, they owned the land, found it far more profitable to sell out than to continue farming.

The country is constantly and rapidly losing men possessing valuable knowledge and skill as farmers to the city, where they are by no means as useful. There can be no doubt about it that the extremely high price of land, the comparatively high wages paid labor, the hazards of farming, and our organized packer-controlled markets undoubtedly are greatly increasing the drift to the cities.

I know, Mr. President, that it is perfectly natural for city people, facing the burdensome cost of living, to jump at once to the conclusion that the first step in reducing such cost is to bear down the price of production. It seems logical, yet, under modern conditions of trade, there was never a greater error. It has been my fortune, Mr. President, during my brief service in the Senate to have opportunity to examine into the consumer's side of the cost of living, and I have been forced to the conclusion that the chief contributing element in high-living costs is our complicated and intricate distribution system. While the wheat farmer has been forced to accept much less than the Government guaranteed price for his wheat, and while the live-stock producers have incurred immense losses, and in many instances financial bankruptcy, because of a slump of 35 per cent in prices for live stock, the consumer has paid the same or higher prices for all food products except four. According to figures prepared by the Bureau of Labor Statistics in the Department of Labor, and given to the public last week, the only food items in which there have been reductions during this year are: Navy beans, 30 per cent decline; plate beef, 9 per cent decline; chuck roasts, 5 per cent decline; corn meal, 3 per cent decline. In contrast with these declines all other commodities in the list of staple foods showed increases ranging from 1 per cent for round steak, rib roast, and bread, to 28 per cent for lard and 85 per cent for onions. Butter showed an increase of 19 per cent; lard substitutes, 29 per cent, or 1 per cent more than lard itself; and fresh milk, 14 per cent. I shall not weary you with further statistics, except to say that while the bottom fell out of the hog market, declining 8 cents per pound in 60 days, bacon went up 11 per cent above the war prices of last year. Surely nothing further is required to show that the consumer is not reaping the benefit from the losses suffered by the producer, and surely these facts should help disabuse the public mind of the generally prevalent opinion that the farmer is rolling in wealth and prospering beyond all reason.

Indeed, Mr. President, the exact contrary is the case. Falling live-stock markets have in a few weeks cost Central West cattle and swine raisers \$80,000,000. The drop on one Kansas man's steers amounted to \$17 a head in just two days. A Nebraska farmer who owned a fat hog August 26 awoke next morning to find it worth \$3 less. Three days later it was worth \$12 to \$15 less. When a farmer's entire capital is invested in a herd of hogs or cattle, it means a loss that not infrequently spells bankruptcy for him, for it must be borne in mind that not always—in fact, in a majority of cases—does the farmer own the land he farms.

Cut the farmer's price in two and the consumer hardly knows the difference, as has been shown, thanks to the long and increasing line of profit takers between producer and consumer; but when the farm prices get below the cost of production, as has been the case with cattle and hogs this year, and in many cases likewise with wheat, the producer has to stop. Mr. President, there is where the farmer's present dilemma is, and should be a matter of concern to the whole country, and must be if agricultural production shall not fall below the danger line in this country.

The farmer does not control the supply nor fix the price, and never has. He has to take what is given him. The profiteering is done further along the line. While speculator and gambler and gouger still get away with the swag, legitimate business suffers and the producer suffers.

Six and seven cent milk at the farm sells for 15 and 16 cents a quart in town. I am quoting Kansas prices now. The figures are much higher and the disparity much greater here in Washington.

The price of a single pair of shoes will keep one person in bread for a whole year, but a farmer can get only \$5.10 for the hide of a year and a half old steer, which possibly would supply the leather for 8 or 10 pairs of \$12 shoes. A pair of calf-

skin shoes costs more than the farmer gets for the calf. Somebody in between gets what is paid for the veal, while the calf-skin makes many pairs of shoes.

It takes four and a half bushels of wheat to make a barrel of flour. The wheat raiser gets about \$8.37 for the wheat, the miller \$12.70, the baker \$58.70, and the hotel keeper here in Washington, as it is doled out in thin slices, \$587.

And the trouble is, Mr. President, that in many cases these extortionate profits of the middlemen come right back on the farmer. Although live-stock markets are demoralized and grain markets are down, the cost of mill feeds and oil meals soars higher. Farm wages have doubled. Everything the farmer buys has advanced from 50 to 300 per cent.

Needing some extra feed for his cows, a Kansas farmer writes me, he sent his daughter to town for 100 pounds. The price was \$4.45. A few days later he needed another sack, and this time he had to pay \$4.85 to get it. Yet everything that went into its production had gone down in price.

The other day seven Ohio farmers who were selling milk—and it developed that they were obtaining less than the cost of production, their investment considered—were thrown into jail at Cleveland. Their offense was "collective bargaining." They were officers and salesmen of a farmers' cooperative company. Their arrest was caused, of course, by commission merchants, who sought to drive them from the field of distribution. The excuse was that they were combining in restraint of trade. Yet what these men were attempting to do, if it became the general practice, would probably solve the problem of providing better prices for the producer and lower prices for the consumer by cutting out the army of middlemen that thrive off the industry of both. If it is to be the practice of the Government to prosecute farmers who seek a more economical method of supplying their products to the consumer, the inevitable results will be to drive more and more farm-bred boys and girls and even their parents to the city, with a consequent permanent injury to the farming industry.

Indeed, Mr. President, that is what is taking place in this country right now. In my own State more than half of the 25,157 increase in population in the last year was in the four largest cities, according to a statement made only last week by our State board of agriculture. The population in towns and cities of more than 2,500 increased 35,422, a net loss to the farming community of the State of 10,000.

At the risk of wearying the Senate, Mr. President, I desire to quote from some genuine letters from real farmers received in the last week.

Here is one from Oscar Miller, a farmer near Oxford, Kans.:

I write in regard to smashing the high cost of living and the relation of the reduction to the cost production. It seems that cost of production is absolutely forgotten or ignored by the administration forces. The campaign is aimed at but one object, and that is the meat producer. Study of costs, such as feed, labor, is not considered by Palmer and his associates. The producer has no organization as yet, and can not concentrate his energies in strike and make himself feared. In this dilemma he is perfectly powerless. Our Department of Agriculture has been boasting of greatly increased production to save the world, and pays us for our pains by helping the administration send the price of hogs down \$7 per hundred pounds. If this continues much longer, and the producers do become organized, they may use the same weapons as the labor unions, and as justly, for a Nation-wide railroad strike would be as brutal as a meat or grain producers' strike.

Another correspondent, J. J. Miller, Karvel, Colo., writes:

The quickest and surest way to reduce the high cost of living is more production (this goes for manufacturing as well as farm production) and smaller armies, fewer Government jobs, smaller cities and towns. Every other farm in my vicinity is idle or rented to some poor cuss that had to stay here during the war like myself. Last year I farmed 230 acres alone, renting two half sections. This year I farmed 170 acres, renting one half section. Next year I will farm only 80 acres, renting none, and will work only eight hours a day. I am just as important as any union man, if I don't have a union card and pay dues.

Of course, this farmer will not keep his promise to himself, but will work from sun to sun, as do all of his kind.

I quote from a letter from S. C. Landis, a friend and neighbor in my home county, as good a farmer and as good a citizen as there is in America. He says:

We are the most submissive of any industrial class. We take what we get for our products and have no price-fixing authority of our own, and when we want to buy anything some one else fixes the price for it. We never go on a strike and stop producing, and now, while nearly all other industrial classes are striking and restless, we are going on preparing our wheat ground for another crop * * * with lower prices staring us in the face on account of the great cry against the high cost of living.

I am glad to acknowledge, Mr. President, that the President could not have chosen better in selecting the three men who do represent the farming class in this great conference. In this connection I desire to quote briefly from the statement of Mr. Charles S. Barrett, president of the National Farmers' Union, one of the delegates representing agriculture, made at the

industrial conference on October 8. Touching on this point of inadequate recognition of agriculture, Mr. Barrett used this language, which I most heartily indorse:

I am among those who believe that the farmers have not been dealt with in a fair, open manner. They have not been treated as an integral, important, and necessary part of industry. The fact that agriculture is basic, fundamental, and essential to the life of the world has either been ignored or given scant notice. The attitude of government toward agriculture is that of an irate parent toward a naughty, irresponsible boy.

Agriculture has been treated by the Government as something that ought to be governed rigidly, but should never have any part in government. Other groups have behaved as though agriculture were a side issue having no rights that should be fully regarded and not entitled to be consulted on the mighty issues of the day. Government has urged it to produce food and cotton and other essentials, but it has never apparently given thought, or at least serious thought, to the reward that it should receive for its investment of money and manual energy.

When will the other two great members of what ought to be a governing triumvirate recognize the fact that agriculture is the most important of all; that nothing can be settled without the assent of agriculture; that nothing can be made permanent for the permanent good of humanity without the active cooperation of agriculture. To attempt to settle the grave questions now agitating us without the assistance of the farmer is like trying to put Hamlet on the stage with the hero left out.

It is not my desire to be hypercritical or cry wolf until I at least see the tracks of the animal in the snow. But I would like to ask, Why has agriculture been given such scant notice in connection with a conference fundamentally so important? Why were only three men as representatives of the greatest industry in the world invited to participate in these momentous deliberations? What is responsible for the fact that agriculture is not given a place commensurate with its importance and on a footing of equality with the other two members of the mighty triumvirate?

Is it because we have been comparatively quiescent? Is it because we have not gone into the highways and byways campaigning for them? Is it because there is a suspicion in certain responsible minds that we are not organized and consequently are incapable of exerting the influence which can be exercised only when we march as a solid phalanx?

It can not be that anybody is so blissfully innocent as to believe that the immense questions before this conference can be settled without the aid of the farmer. And can anybody honestly suppose that if an agreement between capital and labor is reached in which agriculture has no effective vote that agreement will be permitted to stand.

Don't, gentlemen, allow yourselves to be deluded into the false idea that agriculture can not kick; that it will be forever quiescent; that it will continue to be exploited and made the football of other great national interests. Uncle Reuben is waking up. He realizes that he has not had a square deal. He is by nature conservative. He hates Bolshevism. He despises all means that aim to the subversion of the American Constitution, and would fight to the last ditch to save the country from red infamy and I. W. W. diabolism.

But do you think that the man who would fight I. W. W.ism, who has a holy contempt for Bolshevism, would not also fight for his own rights? He is conservative, but that doesn't mean that he is ready to be walked over, to be trampled upon, to be made the cat's-paw of the scheming politician on the one hand and the victim of the profiteer on the other.

Mr. President, Mr. Barrett is not alone in his opinion of the dignity and importance of agriculture in our industrial structure. Another American, a very great American, to my mind the greatest American of our time, the late Col. Theodore Roosevelt, shortly before his much lamented death, gave utterance to these words in the last magazine article written by him:

The farmer, the workman, and the business man are, of course, the three people upon whose welfare the welfare of all the rest of us and of the country depends. With the farmers what is especially needed is that we shall accept their own best leadership and best thought about telling us what to do. * * * What we need is to have men of this stamp set forth the farmers' viewpoint, and the rest of us must intelligently appreciate this viewpoint, and so far as possible embody in legislation what men of this stamp regard as the salient needs. * * * The farmer is emphatically the producer. He has not had a square deal. He has not been put in the position to which he is entitled.

So much, Mr. President, for the importance of agriculture and its right to adequate representation in an industrial conference that assumes to be the chief factor in industrial reconstruction following the Great War. I do not know how much we may hope from this conference. Certainly every man concerned for the welfare of the country hopes for far-reaching beneficial results from its activities, but I am convinced, Mr. President, that there is much that the Government may do, both in its executive and legislative branches, to encourage agricultural production in this country and to give reasonable hope of material rewards for such industrial activity.

First, the departments of the Federal Government should cease the propaganda which tends to bear down the prices of farm products, and should direct governmental energies to curbing the profiteering going on along the line between the producer and the consumer. I am not advocating a system which would guarantee abnormally high prices to the farmer indefinitely, but I say we are very much in need of a system which will stabilize prices of farm products. It is the violent fluctuations which do the greatest damage. Emphasis should also be placed on the generally disregarded fact that in the list of items making up high living costs food products really cut but slight figure. A far larger share of the worker's wage goes for rents, fuel, shoes, and clothing at profiteering prices.

Instead of trying to force down improperly the prices of farm products, the executive departments should seek by every means at their command to open wider markets to the farmer by lifting the embargo on wheat and wheat flour to Europe, by extending credits to European Governments, so that they may come back into the market for American meats, and by lowering ocean freight rates and thus making it easier for Americans to compete with other nations for such foreign trade. The present ocean freight rate to Europe on American meats is now \$4.50, as compared with 60 cents before the war. These rates should be radically lowered, even if it be impossible, because of rising costs of ships and labor, to reach the prewar level.

Such activities by the executive departments should be supplemented by the Congress by the enactment of legislation that will free the live-stock producer from the control of the packer, and that will enable the farmer to have some part, through the formation of cooperative selling agencies, in making the prices of farm products. Price making in necessities of life, like meat, wheat, flour, and fuel, should never again be left to the gamblers of the exchanges or to corporation monopoly. The Wall Street stock-jobbing pirates have thrived in the last year as never before. Glib-tongued salesmen have unloaded billions of worthless stocks in the last year, all of which has contributed to the high cost of living. There should be a way to end it.

Mr. President, if in this glance at the great industrial problems that confront us I have emphasized the farmer's side of the case, it is because I feel that he has not been sufficiently considered heretofore, and because I am firmly of the opinion that agriculture lies at the base of all prosperity in this country. Unless the farmer can continue to thrive, we all must suffer. In the reconstruction problems before us it is important that we start right. We must act broadly and with decision. But what I wish to emphasize particularly is that it will not do to seek to pacify and satisfy capital and labor, employer and employee, and leave out of the accounting the great basic industry of farming.

I fear Washington, Mr. President, has seen only the consumer side of the cost-of-living problem. It has held farm production down close to a cost margin for three years while it has let every other form of production soar. Apparently it can not be made to see the farmer has any difficulties. For six months the farmers of the United States have appealed in vain for the reform of the grading and discount system established under Government rules, which swindles the average farmer out of 15 cents a bushel on his grain. Washington does not realize how many farmers are getting little or no profit or are even losing money on their low-yield wheat crops. It does not foresee that many farmers may decide they can not afford to raise any more wheat and may quit planting it, or may quit farming entirely and go to town, where, as one farmer, writing me under date of October 11, says, "I can make more getting these big wages than I can paying them."

Factories and corporations, Mr. President, are required to pay a return on the capital invested and their watered stock over and above the expenses of doing business or go into bankruptcy. Whereas if every farmer had to do as well or fail, the agricultural industry would have to be taken over by the Government to keep it alive, and the cost would make the big railroad deficits look like a handful of copper cents.

It is my deepest conviction, Mr. President, that what Washington and the country need most to realize is that the surest guarantee of an enduring national life is a permanent, prosperous, and progressive agriculture. Also that until farming is made as profitable as any other business requiring the same amount of capital, skill, ability, and hard work we shall not attain this condition nor truly solve our cost-of-living problem.

If I have dwelt at some length on the disadvantages under which agriculture is laboring, I would not have it thought I am in the least degree pessimistic. I am not. I have faith that we shall meet the problems with such clear vision and in such broad spirit of toleration that we shall be able to find the correct solutions. I am indeed an optimist in spite of the present lowering clouds.

Mr. President, we must all unite to win the right conditions in peace times, just as we united to win the war. Then this great national readjustment will be accomplished without hardship, and the Nation will not feel the strain, which otherwise will be heavy, possibly to the breaking point.

We need more of the spirit of fair play as between man and man. It is a poor time for strikes and for strife. The great and imperative need is production at maximum speed. Greater industry, harder work, more rigid economy in public and private expenditures, cutting out of all luxuries, and, above everything else, increased production, are to-day as solemn a duty upon

all alike as they were during the crisis of the war. We can each do our part by refusing to get excited, by keeping as busy and as cheerful as possible, and plugging away.

I have faith in the common sense and steadfast patience of the American people, the common sense and the patience that was typified and deified in Lincoln. Nor do I believe that we shall any of us be willing to hazard or to waste or destroy or injure the land that those 50,000 gallant American boys who marched down the long, long trail never to return died in a foreign land to perpetuate and save.

It is a time when partisanship must be put aside and every man in Washington cooperate to the utmost of his ability. I hope to see the peace treaty ratified at the earliest possible moment, and then let this Congress take up the great problems that are pressing for solution. American initiative, American pluck, American inventive genius, a thoroughgoing American policy, and the real American spirit must be backed up as never before with true American statesmanship. I have entire confidence that the Congress of the United States will meet the issues in a way that befits America and her destiny.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT. If no Senator desires to speak, I wish to make a request for unanimous consent. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, beginning with Order of Business No. 183.

Mr. SMITH of Georgia. That is where we stopped on Monday last?

Mr. SMOOT. That is where we stopped on last Monday.

Mr. NUGENT. To what does that order of business refer?

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar under Rule VIII, beginning with Order of Business No. 183, the bill the Senate had under consideration on last Monday, and that the Senate proceed from there on.

Mr. NUGENT. I would prefer, if the Senator please, that that bill be postponed at this juncture, as I should like to make some personal investigation with respect to an amendment which I caused to be incorporated in the bill in the committee.

Mr. SMOOT. I will say that all the Senator will have to do will be to object to the consideration of the bill, and then we could go right on with the calendar.

Mr. SMITH of Georgia. But it will be necessary, first, to secure the consent that the Senator from Utah asks in order to begin at that point and proceed with the calendar.

Mr. WALSH of Montana. If that is the situation, I am going to object to the request for unanimous consent. I have not the slightest objection to going on with the calendar and commencing where we left off on Monday last with the bill which was then under discussion; but I am not going to give consent to go on with the calendar and then have that bill objected to.

Mr. NORRIS. Of course that bill will have to take its chances like any other bill on the calendar.

Mr. WALSH of Montana. Yes; except, as the Senator understands, that a Senator has already indicated that he will object to that particular bill.

Mr. NORRIS. Yes; I understand that.

Mr. WALSH of Montana. That is the bill that was under consideration when we last considered the calendar.

Mr. NORRIS. But the Senator can not expect the Senate to proceed with the calendar with the understanding that some particular bill will not have the rule enforced against it the same as in the case of any other bill on the calendar.

Mr. WALSH of Montana. Of course; it is exactly the same, except that it was under consideration when we last considered the calendar.

Mr. NORRIS. I am not going to object to the bill, I will say to the Senator; I have no objection to its present consideration; but it seems to me that the Senator is adopting a narrow view if he will not let the calendar be considered because some particular bill is going to be objected to.

Mr. CURTIS. Mr. President, I think the Senator from Idaho [Mr. NUGENT] will withdraw his objection.

The VICE PRESIDENT. There was not any necessity for the Senator from Utah making the request. This is the plain rule of the Senate:

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions and continue such consideration until 2 o'clock.

Mr. WALSH of Montana. I desire to say, however, that if the Senator from Utah had not made the request I should have

moved to proceed to the consideration of Senate resolution 215; but I give way to the Senator.

The VICE PRESIDENT. The Senator from Montana would have a right to make that motion.

Mr. SMOOT. The idea I had was to take up and consider only bills to which there is no objection, but I did not put that in the original request; and if the calendar is coming up in regular order, let it come up at this time.

The VICE PRESIDENT. There is no unfinished business. Order of Business No. 183, Senate bill 2890, is before the Senate.

CROW INDIAN RESERVATION LANDS.

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes.

Mr. CURTIS. Mr. President, when we concluded the consideration of the calendar on Monday last, Senate bill 2890 being under consideration, the amendment offered by the Senator from Montana [Mr. MYERS] was pending. I hope that the amendment will be defeated. The bill as presented was asked for by the tribe, and they were consulted about the matter to which the amendment refers. That being true, they surely should be considered about water-power sites on their land. That is all I desire to say on the subject at this time.

Mr. MYERS. Mr. President, I have said all I care to say, and will ask for a vote. I shall vote for the amendment, but shall not take the time of the Senate any further on the subject.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF SURPLUS MOTOR-PROPELLED VEHICLES.

The bill (S. 3037) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments on page 2, line 21, before the word "hereby," to insert "also"; and on page 4, after line 15, to insert a new section, as follows:

SEC. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered, in his discretion, to transfer, free of charge, such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment, as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes"; *Provided, however,* That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer, (b) the Post Office Department for use in the transmission of mails, (c) the Navy Department upon the request of the Secretary of the Navy and with the approval of the Secretary of War, and (d) the Treasury Department for the use of the Public Health Service under the provisions of section 3 of the act approved March 3, 1919, entitled, "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines."

SEC. 2. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, under the provisions of section 7 of the act approved February 28, 1919, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit: Road rollers, graders, and oilers; sprinkling wagons; concrete mixers;

derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits; with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose; corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated-bridge materials; wagons and similar equipment and supplies such as are used directly for road-building purposes.

Sec. 3. That the Secretary of War is also hereby authorized and empowered, in his discretion, to transfer, free of charge, to the Department of Agriculture, for the use of the Forest Service, any telephone supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes.

Sec. 4. That freight charges incurred in the transfer of the property provided for in this act shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however*, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, reimburse the Department of Agriculture for all amounts paid by that department to the War Department in reimbursement of loading charges upon said property.

Sec. 5. That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in his discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental, which shall not be less than the cost of maintenance and repair of said vehicles and equipment. The title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public highways, and no such vehicles and equipment in serviceable condition shall be sold or the title to same transferred to any individual, company, or corporation.

Sec. 6. That the provisions of the act of July 16, 1914 (38 Stat., p. 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles, in the absence of specific statutory authority shall not apply to vehicles transferred or hereafter to be transferred by the Secretary of War to the Department of Agriculture for the use of the department under the provisions of this act or under the provisions of section 7 of the act of February 28, 1919, referred to in section 1 hereof: *Provided, however*, That nothing in this act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I should like to inquire of the Chair what disposition was made of Order of Business 184, Senate bill 3037.

The VICE PRESIDENT. It was passed.

Mr. KING. I regret that I was not in the Chamber when that matter came up for consideration.

SALE OF SURPLUS MACHINE TOOLS.

The bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at 20 per cent of their cost, to trade and technical schools and universities and other recognized educational institutions, such machine tools as are suitable for their use which are now owned by the United States of America and are under the control of the War Department, and are not needed for Government purposes. The money realized from the sale may be used by the Secretary of War to defray expenses incident to distribution of the tools, and the balance shall be turned in to the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GRANT OF CITIZENSHIP TO CERTAIN INDIANS.

The bill (H. R. 5007) granting citizenship to certain Indians was considered as in Committee of the Whole. It proposes that every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen

and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individual or tribal, of any such Indian or his interest in tribal or other Indian property.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS IN ADMIRALTY AGAINST THE UNITED STATES.

The bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the chairman of the Committee on Commerce what change, if any, this bill makes in existing law. It seems to me that this measure ought to have gone to the Committee on the Judiciary. That committee is now considering a bill extending the jurisdiction of the district courts to hear causes of action against the Government of the United States, and it seems to me that this is legislation of the same character as that which is being considered by the Judiciary Committee.

Mr. JONES of Washington. Mr. President, I will say to the Senator that the purpose of the measure is this: Under the language of the shipping act the Supreme Court has held, in a recent case, that the ships of the Emergency Fleet Corporation, for example, are subject to the application of the same remedies for damages that private ships are, and therefore if one of these Emergency Fleet Corporation ships, a ship of the United States, causes damage and is libeled, the ship is attached and held until bond is given. It seems that the officers of the ships have no authority to give bonds, and so the Government's ships are put to a great deal of delay and the Government is put to a great deal of inconvenience and loss. The purpose of this bill is to avoid that by simply providing that persons having claims growing out of the action of these ships, instead of having a suit in rem against the ship, as they have against private ships, shall have a suit in personam against the United States, which everybody, of course, recognizes is perfectly good. That allows the ship, then, to go on about its business. That is really the purpose of this bill, and while the bill is rather long and has to be in order to meet various situations, yet that is the principal purpose of it. It gives the consent of the Government to a suit in personam against it.

Mr. KING. Is there any limitation upon the amount for which suit may be brought?

Mr. JONES of Washington. No.

Mr. SMITH of Georgia. Mr. President, would the Senator object to the bill going over for a day, so that we can compare it with the bill that we are working on in the Judiciary Committee?

Mr. JONES of Washington. I am glad attention has been called to the matter. Of course, the bill is rather long, and I did not know whether or not there might be objection to its being considered now. I shall be glad to have it go over, as requested.

Mr. SMITH of Georgia. I do not like to object, but if the Senator does not object to that course being taken I should be glad to have it go over, so that we can compare it with the bill now pending before the Judiciary Committee.

Mr. JONES of Washington. I shall be glad to have it passed over, and am glad to have the opportunity to explain the real purpose of the bill, and shall be glad to have Senators look into it, because I recognize the force of the suggestion of the Senator from Utah as to whether this subject might properly be considered by the Judiciary Committee. It does partake very largely of judicial questions, and yet it also affects the matter of commerce, and that probably was the reason why it was referred to the Committee on Commerce.

Mr. KING. I think I can say that the Judiciary Committee will not feel slighted because this bill was not referred to it; but there is a feeling upon the part of a number of the members of the committee that these claims against the Government, so far as possible, ought to be handled by the Court of Claims, whereas other members of the committee feel that the district courts of the United States ought to be the forum in which actions may be brought by individuals against the Government.

It is a very serious question whether or not there ought to be so much latitude in bringing suits against the sovereign. For myself, I think we are letting down the bars too much and that the Government of the United States will have suits brought against it in various parts of the United States under

conditions and circumstances where the evidence will not be available and the Government in the end will be subjected to a great deal of annoyance and a great many suits which are perhaps without merit.

Mr. JONES of Washington. I will say to the Senator that the Committee on Commerce had hearings with reference to the measure and heard officials of the War Department and the Department of Justice; and, in fact, this bill was prepared in the department.

Mr. SMITH of Georgia. I understand that the Senator from Washington agrees that the bill may go over.

Mr. JONES of Washington. Oh, yes; but I do hope Senators will look into it very carefully, because we are confronted with a very serious situation. I want to say that the Attorney General's office called me up day before yesterday, I think, and stated that there was a ship down in New Orleans that had been libeled and the court there refused to allow it to go. They have no way in which they can furnish bond unless they go out and arrange it in a roundabout way, as an accommodation for the Government on the part of somebody to furnish a bond so that this ship may go into commerce. That condition of things ought not to exist, of course, and we are trying to avoid it in the future.

Mr. KING. Mr. President, speaking for myself at least, I shall be very glad to have the Senator ask unanimous consent to take up the matter to-morrow, and I think in the meantime the members of the Judiciary Committee will examine it.

Mr. JONES of Washington. I hope they will, so that when we have an opportunity again we can take up the measure, because it is very important and urgent.

The VICE PRESIDENT. The bill will be passed over.

NORMAN LEE MOLZAHN.

The bill (H. R. 333) providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia, and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. CALDER. Mr. President, I ask unanimous consent that Order of Business 76, Senate bill 1369, which is identical with the bill just objected to, be indefinitely postponed, so that later on we may take up the House bill.

The VICE PRESIDENT. The question is on the motion of the Senator from New York to postpone indefinitely Senate bill 1369.

The motion to postpone indefinitely was agreed to.

SUSIE CURRIER.

The bill (H. R. 753) for the relief of Susie Currier was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Susie Currier, of Old Town, Me., out of any money in the Treasury not otherwise appropriated, the sum of \$100, being full compensation for accident and injuries with resulting loss of time and expense while working as charwoman in the United States post office at Old Town, Me., December 14, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. CAREY.

The bill (H. R. 2452) for the relief of Charles A. Carey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles A. Carey, of Lowell, Mass., the sum of \$132.57, out of any money in the Treasury not otherwise appropriated, for loss of pay on account of injury sustained while in the performance of his duty as a letter carrier at Lowell, Mass., on the 11th day of February, in the year 1913.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHEL PROCTOR.

The bill (S. 2773) for the relief of Ethel Proctor was announced as next in order.

Mr. SMOOT. Mr. President, that bill was introduced by the Senator from Michigan [Mr. NEWBERRY], and I wanted to ask the Senator, before objecting to the bill, if the death of Mr. Proctor was due to the performance of his regular duties as an em-

ployee of the Government on the Panama Canal? If so, this would be in the shape of a pension for a private citizen employed by the Government.

Mr. KING. Mr. President, if my colleague will yield, I shall object to the consideration of the bill.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care of drug addicts, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases in order to determine their cause and methods of prevention was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

DELLA JAMES.

The bill (H. R. 3844) for the relief of Della James was announced as next in order.

Mr. SMITH of Georgia. Mr. President, just one word before the bill is read. I have just had a letter from Augusta, and this woman will be obliged to put four of her children in the poorhouse unless this bill is passed within the next few days. The Senator from Indiana [Mr. NEW] has charge of it.

Mr. NEW. Mr. President, as the member of the committee who reported this bill, I would like to make a brief statement about it. The claim is by the widow of this man Jones, who was killed in his own dooryard by a stray shot from a United States testing ground. He was working in his garden, when a shot fired on the testing ground at Fort Hancock killed him. He left a widow and eight children.

Mr. SMITH of Georgia. Nine children; the youngest 4 months old, the oldest 16 years.

Mr. NEW. The bill proposed to give the widow \$60 a month for 10 years. The committee amended it to make it read \$57.50, to accord with the war risk, and to place this man on an equality with a soldier; but I think the committee overlooked the fact that he could not have been taken as a soldier at all. A man with nine children dependent on him for support certainly could not have been taken, under any theory of law, as a soldier. I think the beneficiary should have had \$60. The bill provides \$57.50, and she will have to send her children to the poor farm unless she gets this relief.

Mr. SMITH of Georgia. Does not the Senator really think that the Senate would sustain the bill just as it came from the House, and let it go through carrying \$60 a month?

Mr. NEW. I think it should do so.

Mr. SMITH of Georgia. I think it is the general view that the reduction should not be made, and that the Senator from Indiana is exactly right. This was a tenant farmer, who worked on a piece of ground quite a distance from the camp. The officers found that the officer handling the gun was negligent. A court-martial was recommended of the officer who improvidently fired the gun that killed this man. The widow and children are to be allowed the money for only 10 years. There are nine children, ranging from 4 months old to 16 years old; and, as I stated, I have received a letter to-day stating that unless she can receive this pension at once she will have to put some of her children in the poorhouse; that she can not struggle on any longer without this help.

Mr. SMOOT. Mr. President, this is a very pitiable case, but I have never known the Senate to pass a bill of this kind. If the man had been working for the Government of the United States we would have given the widow a year's salary. That is the amount given in such a case.

Mr. SMITH of Georgia. No, Mr. President, if the Senator will permit me. When a person working for the Government of the United States is injured or killed by the negligence of the United States, we give his estate vastly more, and have always done so.

Mr. SMOOT. The rule is that the family are paid a year's salary.

Mr. NEW. Mr. President, will the Senator permit me?

Mr. SMOOT. Certainly.

Mr. NEW. The man was not working for the United States.

Mr. SMOOT. I am aware of that.

Mr. NEW. He was working at the time in his own garden, on his own little place, and was not in the employ of the Government. He was simply killed by a stray shot fired from the testing ground.

Mr. SMOOT. I have not denied that fact at all. The only question in my mind is whether we should pay in the case of a person killed by the Government of the United States, not in the employ of the Government, two or three times the amount that we would pay in the case of a man who was working for the Government and happened to be killed. The bill sets the precedent that a man who is not working for the Government and is killed by an accident, on account of the negligence of an employee of the Government, shall receive at least three times the amount that would be given if he had been employed by the Government. This means the payment of \$6,900. I can not call to mind any amount like that being paid in the case of an accidental death caused by the Government. I recognize all that the Senator from Georgia has said in relation to the widow's condition.

Mr. SMITH of Georgia. I only mentioned that as a reason for speed. I consider the United States Government absolutely liable, and I do not think there is any possible basis upon which it can decline to pay the sum named.

Mr. SMOOT. I am not stating that the Government of the United States should not give the widow some amount.

Mr. KING. Will my colleague yield to me?

Mr. SMOOT. Certainly.

Mr. KING. I should like to inquire of the Senator from Georgia whether he thinks that the Government ought to be responsible for the torts of its officers or agents?

Mr. SMITH of Georgia. I do.

Mr. KING. The Senator knows that municipalities are not, that counties are not, and that States are not.

Mr. SMITH of Georgia. Counties are—

Mr. KING. They may be in the Senator's State.

Mr. SMITH of Georgia. And municipalities are, as a rule, but not for the act of a police officer in making an improvident arrest. That is the exception.

Mr. KING. I am not speaking of police officers or officers of that character, but for the torts of the officers of the State, the State would not be responsible. If some officer of the State guard at the penitentiary or a member of the militia should commit a tort upon some private person, as I understand the rule, the State would not be responsible any more than a municipality is responsible if some policeman exceeds his authority or makes some assault, willful or otherwise, upon some individual. The rule is that the municipality is not responsible for the tort of its officials.

Mr. SMITH of Georgia. There is a certain character of tort, however, that grows out of the work of a policeman in making false arrests, but in cases of this character I have never known an instance in which the liability has not been recognized and compensated for.

Mr. KING. If my colleague will still permit me, suppose that among the thousands and millions of employees and soldiers of the United States there should be a large number of torts committed, assaults upon individuals, thefts of property, arson, and so on, does the Senator think the Government would be responsible?

Mr. SMITH of Georgia. I think there is a distinction between that class of cases and this one. Here the officers, in the regular discharge of their duties, were training men in the use of artillery, and in the training for the use of artillery, in the actual line of their duty, the necessary work in preparation for the war, by carelessness they killed a private citizen. I think that occupies an entirely different position from the ordinary tort to which the Senator referred.

Mr. SMOOT. The Senator does not say he was killed by bullets shot from a gun?

Mr. SMITH of Georgia. He was killed by the discharge of a gun.

Mr. SMOOT. The bill says, "Through the explosion of a certain shell used in target practice." I do not know how far he was away, or whether he was upon the ground on which the practice was taking place, but his death was caused by the explosion of a shell.

Mr. SMITH of Georgia. The shell was used in target practice, and exploded and a piece of it killed this man. He was quite a distance away. The Senator from Indiana can probably tell the distance. I think he was half a mile, at least, from the testing grounds.

Mr. NEW. Yes, Mr. President; the man was killed off the range, which had been laid out by the officers of the Government. He was where he had a perfect right to be. An account of the persons on the farm, as also of the persons on

other farms, had been taken when the range was laid out. A board of officers, a court of inquiry, was convened, which went into the case, and their official verdict as set forth in the report which accompanies the bill shows that the officers in charge were wholly responsible for the death of this man. It was due to their negligence, and a court-martial was recommended by Gen. Greble and the other officers who sat as members of the court.

Mr. SMOOT. I notice the charge against the officer was based upon "criminal negligence and not taking proper precautions to safeguard life." I have not any question but that the man was killed, and I have not any question of the negligence on the part of the soldiers of the United States. The only question in my mind is whether this is a proper amount to pay, based upon the claims that we pay for men who in the service of the Government suffer from such unfortunate accidents.

Mr. NEW. Mr. President, in reply to what the Senator from Utah says, I will state that if the man had been in the Army, in the uniform of the United States, he would have gotten, under the law, just what the bill gives him.

Mr. SMOOT. He would provided he had carried \$10,000 of insurance, and paid every month so much for that insurance. Then his family would have received \$57.50.

Mr. NEW. That is true.

Mr. POINDEXTER. Mr. President—

Mr. SMOOT. I yield to the Senator.

Mr. POINDEXTER. The Senator from Utah [Mr. KING] says that such an act committed by an officer of a municipality would not render the municipality liable. I think the Senator from Utah is mistaken in regard to that. He compares this to the case of a tort committed by an individual. This is a tort, but a tort committed by an official in the line of his duty.

Mr. KING. Mr. President, will the Senator yield?

Mr. POINDEXTER. There is not very much distinction, if the Senator will just permit me a moment, between the liability of a municipality and the liability of a private individual or a private corporation. I remember cases where the question of the liability of a railroad for a personal assault committed by a conductor on a passenger was in issue, and it was held that the railroad company was not liable, because it was not in the line of the conductor's duty; that they did not employ him to commit assaults on passengers, and he did not have any right to do that at all. But where an official injures some one by the negligent performance of a duty which he was employed to perform, any municipality is liable, and that is the case that is stated here. Of course, the question of the right to recover enters into a case against the Government of the United States, but that is a matter entirely under the control of the Government itself.

Mr. KING. Of course, I do not like to question the learning and legal knowledge of the Senator, but I feel sure that an examination of the authorities will support the position which I announced, namely, that municipalities are not liable for the torts of their officers; that a marshal or a policeman may make arrests in virtue of a warrant or otherwise, and if he commits a tort there the municipality is not liable. There are many cases of that character, cases where municipal authorities have negligently permitted a building to be torn down and some unfortunate man was killed and the municipality was held to be free from liability.

Mr. POINDEXTER. The Senator is undoubtedly right in regard to a certain class of cases. The only question is whether or not the case described here is within that class or an entirely different set of cases. If a municipal employee, engaged in building a street, sets off a blast and kills people who live in the vicinity of the place where the blast is set off, the city is liable for negligence. There is no question about it.

Mr. SMOOT. Mr. President, it is now 2 o'clock. I move that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session.

Mr. SPENCER. Will the Senator withhold the motion while I ask his colleague a question?

Mr. SMOOT. Very well.

Mr. SPENCER. I should like to ask the Junior Senator from Utah [Mr. KING], if I may have his attention for a moment, whether he does not agree with me that when a municipality acts in a governmental sense the municipality is not then liable, but when the municipality acts in an administrative sense, then the municipality is liable for whatever damage it does.

Mr. KING. I think that is the distinction which the authorities make.

Mr. SPENCER. Certainly the shooting of a gun is not a governmental function. It is an administrative action.

Mr. KING. That is a matter upon which there might be a diversity of opinion.

TREATY OF PEACE WITH GERMANY.

Mr. SMOOT. I ask that the question be put on my motion.

The PRESIDING OFFICER (Mr. OVERMAN in the chair.) The Senator from Utah moves that the Senate proceed to the consideration of the treaty of peace with Germany in open executive session. The motion was agreed to, and the Senate, as in Committee of the Whole, in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	McKellar	Smith, Ga.
Ball	Gronna	McNary	Smith, Md.
Bankhead	Hale	Myers	Smith, S. C.
Borah	Harding	New	Smoot
Brandegee	Harris	Newberry	Spencer
Caldor	Harrison	Norris	Sterling
Capper	Hitchcock	Nugent	Sutherland
Chamberlain	Johnson, Calif.	Overman	Swanson
Colt	Jones, Wash.	Page	Thomas
Culberson	Kellogg	Penrose	Townsend
Cummins	Kendrick	Phelan	Trammell
Curtis	Kenyon	Phipps	Underwood
Dial	Keyes	Pittman	Wadsworth
Dillingham	King	Poindexter	Walsh, Mass.
Elkins	Kirby	Pomerene	Walsh, Mont.
Fall	Knox	Sheppard	Warren
Fernald	La Follette	Sherman	Watson
Fletcher	Lenroot	Shields	Williams
France	Lodge	Simmons	Wolcott
Frelinghuysen	McCumber	Smith, Ariz.	

Mr. McKELLAR. The Senator from Arkansas [Mr. ROBINSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Nevada [Mr. HENDERSON], the Senator from New Mexico [Mr. JONES], and the Senator from Louisiana [Mr. RANDELL] are absent on official business.

Mr. KING. The Senator from South Dakota [Mr. JOHNSON] is absent on account of illness in his family. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], the Senator from Missouri [Mr. REED], and the Senator from Rhode Island [Mr. GERRY] are detained from the Senate on public business.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, the British Empire is one of the great institutions of the world. In its structure it is unique among all governmental institutions of the present time or which have ever existed. It is the product of time, of experience, and of the statesmanship of a long line of some of the most illustrious leaders in all history. It is composed of widely separated peoples, and, locally, of different forms of government, but brought together in such manner as always to insure, in every great emergency, unity of action among all the different parts of the Empire. Men may speculate as to the separate interests of Canada from those of England, or of Australia from some other dominion of the British Empire, and speculate as to what, under certain emergencies and conditions, this or that dominion might do; but history warrants us in assuming, certainly for the purpose of action on this treaty, that in all vital affairs and in matters of great emergency the British Empire act as one when interests dictate action as a unit, and act separately when interest dictates otherwise. I do not say this in criticism of the British Empire. I am simply stating an historic fact concerning which there can be no successful dispute.

In other words, it is a league of itself, the most perfect, best-tested, and tried league which has yet been in any way inaugurated among men for the purpose of governing affairs, and in all great concerns, in all matters of great moment they always act together, as the momentous period of 1914-15 so conclusively disclosed. Therefore, while composed of different dominions and having their local different interests, in matters in which we would be concerned we might expect them to act in unity.

The covenant of the league of nations, as it is now presented to the Senate, provides for six votes upon the part of the British Empire in the assembly to one vote upon the part of the United States. We claim, through our desire of having this remedied, that this gives to the British Empire a distinct advantage for which there is no reason and no just necessity, an advantage consisting not alone of the mere number of votes cast, but an advantage of prestige and power in the direction and domination of the affairs of the league generally.

It is now conceded throughout the English dominion, so far as I have been able to trace the literature upon the subject, that it does give the British Empire a distinct advantage. The only place that I have heard that it was not an advantage to the British Empire has been in the United States, and princ-

pally in the Senate. No English journal dealing with the subject, no Canadian spokesman upon the subject, no Australian advocate of the proposition has ever contended that it does not give the British Empire an advantage. Some undertake to contend that although an advantage they are entitled to it. Others apologize for it and have gone so far as to say the British Empire should not seek to have this advantage and should waive it. But so far as my investigation goes, and I have made some effort to ascertain the views of those representing the British Empire in its different parts, no one contends that it is not a distinct advantage and, many have well said, otherwise it would not have been so earnestly sought. Indeed, the British statesmen and British diplomatists do not spend much time upon immaterial and inconsequential affairs, and they would not have sought so earnestly to secure this had they not deemed it an advantage, and they very frankly now confess that it is an advantage.

Perhaps the most ambitious argument which has been made in favor of the league upon this particular subject was the extended speech of the Senator from North Dakota [Mr. McCUMBER]. Holding a high regard for his views, I think it may be just as well to organize my observations around the contention made by the Senator. He has stated the matter as fully as it has been stated by those who are in favor of maintaining the covenant as it now is. In his remarks some days ago in the Senate he said:

I purpose to demonstrate not only the lack of necessity for such amendments to balance any supposed inequality in the voting strength of any power but also the great injustice, the gross wrong such proposed amendments would do to Canada, Australia, New Zealand, and South Africa.

As to the Senator's purpose to demonstrate that there is no necessity for the amendment in order "to balance any supposed inequality," I will deal with that as I proceed; but let me say here, in the beginning, that I know of no amendment which seeks to deprive Canada or Australia or New Zealand of representation in the assembly or of a vote. The amendment offered by the able Senator from California [Mr. JOHNSON] does not seek to modify their power or their influence as it is now in the league. We are not endeavoring to exclude our neighbor upon the north from participation in the assembly; neither are we endeavoring to exclude New Zealand or Australia; but we are seeking simply to equalize in so far as we may the power which the British Empire will have, by reason of exercising this right, by increasing the prestige and the power and the vote of our Republic. I do not think that the Senator is justified in opening his address with the statement that we are seeking by this amendment to do an injustice to our neighbor upon the north or to any one of the British dominions or colonies.

If I had my way about it, I should prefer, if either had to drop its vote, that England rather than Canada should drop her vote, for the simple reason that Canada is here upon the Western Continent; she breathes the western atmosphere and is not so calculated to be moved and controlled by the intrigues of Europe or by the European system.

Furthermore, the Senator from North Dakota said:

Of all the many false declarations that have been made concerning the league of nations, none has been so persistently indulged in as the one concerning the voting power of Great Britain.

It is coming to be, Mr. President, rather a familiar method upon the part of those who are advocating impossible things in connection with the proposed league of nations to contend that the mere statement of a naked fact concerning the league is a misrepresentation, and the Senator from North Dakota indulges in that quite as often as anyone else, with, perhaps, the least justification of anybody for doing so, viewing his own statements concerning what is in the league covenant. No Senator has misstated a fact concerning this matter. The statement is made that the British Empire has six votes in the assembly to the one vote of the United States. What is there false about that? Where is the misrepresentation? Does anybody deny it? One may draw a different conclusion from another as to the effect of their having six votes to our one, but the fact upon which the argument is based is indisputable and can not be sincerely charged to be misrepresentation in any sense of the word.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. The President of the United States, according to reports of his speech at Salt Lake City, stated that the British Empire did not have six votes in the league.

Mr. BORAH. My own remembrance is that the President stated that our vote of one was equal to their vote of six, by

reason of the requirement of a unanimous vote, which I will come to in a few moments.

Mr. POINDEXTER. Just to make clear what my statement is, I desire to say that the report was that, while the President said explicitly that the British Empire did not have six votes in the league, he afterwards in the same speech stated that she did have six votes in the league; but, of course, both statements could not be true. However, the President went on to qualify the first statement by saying that the six votes of Great Britain were of no more weight than our one vote.

Mr. BORAH. Precisely; I understand that to have been the position of the President; while stating the proposition that they had six votes, that that fact was neutralized by the fact that the vote had to be unanimous. That proposition, however, I will deal with later.

The Senator from North Dakota also made the statement:

And from the letters I have received and the press reports I have read, these unfounded assertions concerning this voting power have taken a deeper root in the mind of the public than any other criticism aimed at the league.

That is perhaps true. The statement that Great Britain or the British Empire has six votes in the assembly to our one has taken a deep hold upon the American mind. The very statement affronts their sense of equality, their sense of justice, and their conception of the dignity of our country. The Senator from North Dakota and others, being expert mathematicians, may argue that it has this effect or that it has not this effect; but the people understand that here is an assembly which may become the conclave of the world, in which matters of tremendous concern are to be taken up and considered, and they see that in that assembly an entity known as the British Empire has six votes to the one of the United States. Naturally it has taken a deep hold; and, undoubtedly, from the statement of the able Senator, he has heard from the people upon that question.

Generally speaking, Americans are a very intelligent people; but they are not all expert mathematicians like the Senator from North Dakota. They have not reached the point where they can demonstrate to a certainty that one is equal to six; they are unable to see, as the Senator from North Dakota so quickly sees, that while apparently upon its face there is an inequality, in view of the fact that one equals six votes in influence and voting power, it really amounts to nothing.

I have always had great respect for the able Senator from North Dakota as a legislator, but after reading his speech I concluded that I had not fully appreciated his varied attainments, and that he is also the greatest mathematician since Sir Isaac Newton.

Mr. President, the Senator organizes his speech around three propositions. If these propositions should chance to be false I think it would be conceded that his speech would fall to the ground. I do not mean false in the sense of a willful misstatement of facts, but false in the sense of a wholly erroneous construction of the covenant. His first proposition, stated over and over again, is that while the British Empire has six votes in the assembly, no member of the British Empire other than Great Britain, with one vote, can ever be a member of the council. Around that proposition the Senator assembles his entire argument. The assembly, he contends, is to a marked extent a powerless body, that the council is the dominating and controlling power, and as no dominion or colony can ever have a vote in the council, we need not become disturbed over the fact that they are more fully represented in the assembly.

In the first place, upon what theory can it be argued that the dominions can not have representation in the council? Is there any provision in the league covenant which inhibits it? Is there any clause or phrase in the covenant itself which says that Canada, if she can secure the votes, is not entitled to representation on the council, just as any other nation may become a member of the council if she can secure the votes? Is there any obstacle to Canada becoming a member of the council that does not exist with reference to every other signer of the treaty? Is there any obstacle to Australia becoming a member of the council if she can secure the votes, any more than in the case of Belgium? There is not a clause in the covenant which inhibits either becoming a member. They are signatories to the treaty; they are members of the league; they have a separate entity; they are recognized for the purpose of the league as a separate entity; and they have all the rights and privileges under the league that any other nation has. Standing as signers of the treaty and of the covenant the same as other powers, how can it be argued that they are not permitted to enjoy all the rights of the covenant the same as other powers? When we look for the inhibition we do not find it, and without it such contention must fail.

Mr. President, let us pursue this question of the right of the dominions or colonies to have membership in the council.

When Mr. Borden left Canada during the time that the war was in progress to attend for the first time, upon invitation, the council at Paris, which had to do with the directing of the war, he immediately took the position that the dominions and colonies of Great Britain should have their separate representation in that great council; and when the league of nations came to be formed, the fight which Mr. Borden made and the fight which he won was that the dominions and the colonies should have all the rights under the league that any other separate nation had—not only the right to sit in the assembly and to participate in the so-called debating society, but he was very careful to include the right to sit in the council, supposed to be the source of power of this league. Mr. Borden contends that he was successful in his contention, and I do not think there can be very much doubt about it, in view of his statement and the letter which was signed by M. Clemenceau, the President of the United States, and Lloyd-George.

I read a paragraph from a statement made by Mr. Borden a short time ago in regard to this matter:

The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations' commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. The dominions' case was pressed, and in the final form as amended and incorporated in the treaty of peace with Germany, the status of the dominions as to membership and representation in the assembly and council was fully recognized.

That was the contention of Mr. Borden—that they should not only accept the statement as a matter of principle, but they should accept it in all its implications, to wit: That Canada should enjoy the same rights under the league as Serbia, Belgium, or any other self-governing independent nation or power; and he is particular to include in that not only representation in the assembly but representation in the council. When the ex-President of the United States proposed a reservation which would exclude them from membership in the council, it immediately became a matter of criticism in Canada and was seriously objected to, and, so far as I know, has been dropped.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. Could Canada or any other self-governing dominion or any other nation be elected a member of the council without the vote of the United States?

Mr. BORAH. Mr. President, I will come to that in just a few minutes, and will then deal with it.

Mr. HITCHCOCK. I should like to have the Senator come to it right now, because it is a critical matter, and if it can not be his whole argument falls to the ground.

Mr. BORAH. The Senator from Nebraska will permit the Senator from Idaho to pursue his subject in his own feeble way. If, when I get through, I have left untouched any of these subjects, I shall be glad to take the rest of the afternoon, in company with my genial friend, to discuss them; but I have an idea of logic in the presentation here, and while I do not propose to omit anything, I prefer to follow the course I have outlined, in order that there may be some continuity of presentation.

Mr. WOLCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Delaware?

Mr. BORAH. I yield.

Mr. WOLCOTT. I desire to ask the Senator if anyone has seriously contended that the British dominions or self-governing colonies would not be eligible to membership in the council, provided, of course, they could get the votes?

Mr. BORAH. Why, Mr. President, if the Senator will read the address of the able Senator from North Dakota [Mr. McCUMBER], he will observe that he stated twice over that they could not become members of the council. The Senator from Mississippi [Mr. WILLIAMS] and the President have taken a similar view.

Mr. WOLCOTT. I have read parts of that address of the Senator from North Dakota, but I had not observed that portion of it.

Mr. BORAH. I think I shall have occasion to enlighten the Senator from the statement of the Senator from North Dakota himself in a few minutes.

The recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues.

A great deal has been said, Mr. President, to the effect that Great Britain did not want these votes, that they were tendered as a matter of graciousness for the service which the dominions had rendered during the war. The fact is that a long, persistent contest was waged inside of that secret chamber, where the intelligence of the world has not been permitted to penetrate, for the purpose of securing this right, and it was led by the prime minister of England, supported by the great men from every part of the globe representing the British Empire. It is a fine illustration of what will happen time and time again in the assembly, and possibly in the council—that Mother England, with her great leaders, will be surrounded and aided and abetted by her able men from all parts of the world in accomplishing her purposes, and will accomplish them through influence and persuasion and power as they accomplished them at Versailles.

Mr. McCORMICK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. McCORMICK. I simply wanted to ask the Senator if, in reading that debate, he had noted the remark of Sir Robert Borden, that every one of the great powers had opposed the admission of the dominions during those secret deliberations, but, nevertheless, they were overcome?

Mr. BORAH. Yes; I thank the Senator. I will come to that.

The same indomitable spirit which made her capable of that effort and sacrifice made her equally incapable of accepting at the peace conference, in the league of nations or elsewhere, a status inferior to that accorded to nations less advanced in their development, less amply endowed in wealth, resources, and population, no more complete in their sovereignty, and far less conspicuous in their sacrifice.

In other words, Mr. President, Mr. Borden understands clearly and definitely that both as to the council and as to the assembly, while the British Empire is linked together by common interests and common aspirations, when it comes to the question of votes they have as separate an entity as the other nations which have signed this treaty; and that is the position that the British Empire occupies—that while they are one for their common interest, they occupy a voting capacity based upon the principle of separate and distinct nations.

What do the three gentlemen who presided over the destinies of the world at Versailles say in regard to that?

Mr. Borden, I take it, is a very far-seeing, capable leader, and he was not willing to leave this question of the position or status of the dominions and colonies to future guessing, and therefore he required of those who made the instrument a construction of it, and required that that construction be deposited contemporaneously with the instrument itself.

They say:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt, it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

That is the only possible construction which could inhibit them, and even that could not, from being members of the council—a most narrow, strained, and technical construction. But this letter, in the first place, states that there is no doubt that Mr. Borden's view is correct; and, secondly, if there were any doubt about it, it would be supported by the proposition that this league is to be construed in a broad and a most generous way.

A few days ago the able Senator from Minnesota [Mr. NELSON], an enthusiastic supporter of the league, introduced into the Record an article by Mr. Alfred H. Bright, stated by the Senator to be a distinguished lawyer of Minneapolis. I assume that that is correct, not only from the statement of the Senator, but from the fact that in looking up the record I see that Mr. Bright is general attorney for the Soo Railway, located at Minneapolis. Therefore I quote his statement with some degree of satisfaction upon this particular question. He not only is an able lawyer, but he would be likely to know the Canadian view, in view of his position.

Mr. Wilson was right when he said the dominions were eligible because four of them could be chosen to take the place of Belgium, Brazil, Greece, and Spain, and the fifth might be represented if the number of league members having the right to representation on the council were enlarged as provided in article 4 of the covenant. If, then, everything was done as provided by the covenant to the end that Great Britain and the dominions should all be represented on the council they would be.

In other words, so far as the terms of the covenant itself are concerned, they occupy no different position than any other nation and they are just as much entitled to a position upon the council as any other power.

The able Senator from Nebraska [Mr. HITCHCOCK] asked, Could they secure a position upon the council without the unanimous consent of the members of the council?

Let me assume, to start with, that the implication of his question is absolutely correct—that it would require unanimous consent of the council. What I am contending for is that they occupy precisely the same position under the covenant that every other nation does. While they, we will assume, must have unanimous consent, so must Belgium, so must Brazil, so must any other nation. In other words, Great Britain has six members who have the same rights under the covenant as any other nation has, and if they can secure the votes they must secure them in the same way that Greece or Brazil would secure them. They must pass under the same surveillance as Brazil or Greece must pass—no different at all—and tell me why the United States should consent that under the terms of the league itself one entity or one great empire should have the right to have five times the vote in the council and six times the vote in the assembly that this Republic would have?

Mr. President, these facts are thoroughly supported by the plain terms of the league itself, and I want to ask this: Suppose a question arose as to the election of an additional member to the council. It is true, we will assume, that the United States by its single vote could veto the election of Canada as a member of the council. But we having agreed in advance to a covenant which gives Canada all the rights and privileges of any other nation, upon what theory could we stand there and reject her from being a member of the council? If we are to limit, we must limit in the covenant, for autocratically to say that "You shall not enjoy the right which the covenant insures" is to place upon us an arbitrary and unconscionable power which no nation would desire to use.

If Canada understands that she has just the same right to enter this council as any other nation, what will be the relationship between Canada and the United States if we say, "Yes; you have the same right as every other power and any other power, but we will not consent to it, because we have the unquestioned power to prevent it"? If Canada is notified in advance that she can not enjoy that power, and is notified by the terms of the league itself, the onus, the disagreeable onus, is not placed upon the United States of violating the implications of the league by the arbitrary power of her right to refuse her.

So, Mr. President, we do not propose to deny Canada admission to the council. We simply say that the voting power of this Republic shall at all times be equal to that of the British Empire. We are perfectly willing that the British Empire, in its peculiar structure, shall retain its integrity. We have no desire to interfere with the internal workings of that great institution. But, our Republic being vitally concerned, we have a right to say that, "You having organized your institutions as you have, we are entitled, in a world league, to sit with you with equal privileges and equal power in the running of the world's affairs." That is the sum and substance of this amendment, and nothing more.

The able Senator from North Dakota [Mr. McCUMBER], in discussing this, says:

But you say Canada might be added to the council. Mr. President, that is an impossibility under any reasonable construction of this compact.

The able Senator from Delaware [Mr. WOLCOTT], who asked the question a few moments ago, will observe the language of the Senator—

That is an impossibility under any reasonable construction of this compact.

Not upon the theory that they can not get the votes, but upon the theory that the compact does not permit it. That is the position of the Senator from North Dakota. He says further:

The power to admit new members to the council is contained in the second paragraph of article 4, which reads:

"With the approval of the majority of the assembly, the council may name additional members of the league."

Keep that in mind—

"whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council."

The comment of the Senator is:

I call special attention to the fact that the countries whose representatives shall be so selected by members of the council are to be "additional members of the league." As these self-governing dominions are, by the terms of the instrument itself, already made members of the league, they could not be included in the phrase "additional members of the league." Therefore, neither Canada nor any other British dominion could, by any possibility, be made members of the council.

And thus he reasoned to such masterly conclusion that from the compact itself they could not be made members of the league, because they are now members of the league, and they could not be additional members of the league, the only kind which could

be added to the council. But while the Senator was denouncing those who were opposing this provision in the covenant for misrepresentation he left out of his review an entire paragraph which covered the subject he was dealing with and which permitted the addition of four or five members to the council.

I call the attention of the Senate to article 4, paragraph 1, which reads:

The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly—representatives of Belgium, Brazil, Spain, and Greece shall be members of the council.

Now, as the lawyer, Mr. Bright, says in his statement, they would have a perfect right, so far as the terms of the league are concerned, to elect four members of the British Empire to positions upon that council.

I do not say, Mr. President, that such election of four members would be a practical proposition in its full import, but they have a right under the league to do it. There is no inhibition against it. They may take the places of these four powers and fill them with members of the British Empire if they see fit to do so.

But they say it will take a unanimous vote to get Brazil and Greece and these other powers out of the council. I do not think that that is the construction which is to be placed upon it. Bear in mind, "These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representative of the four members of the league first selected by the assembly," these other powers shall sit in the council.

It says "until." When the assembly elects the other four members, the term of office of the four members of the council now there expires. They do not have to be ejected. They are elected, and remain until a reelection takes place, and the term of office expires the moment that the election takes place.

So, sirs, so far as the terms of the covenant itself are concerned, the assembly could elect four members of the council representing the dominions and Great Britain to sit with the British Empire with her one vote in the council.

You say that it is an impractical proposition. It may be as to the four, not an impossible proposition, not an inhibited proposition, and not any more of an absurd proposition than the concession that Great Britain should have six votes to this Republic having one.

But I do not concede the proposition that there must be a unanimous vote in the assembly to elect new members to the council. It is by no means clear that article 5 applies to such a proceeding. It will be observed that article 4, which provides for the election of the new members of the league, permits a majority vote with reference to the number of members of the league and election of additional members of the league whose representatives shall be members of the council, and permits a majority vote for the increase in the number of members of the league to be selected by the assembly for representation on the council. Article 5 says that all "decisions" shall require the agreement of all members. But in view of the fact that it is article 4 which deals with this question of the election of members of the league and that the election may not necessarily mean a "decision," I am of the opinion that the ultimate construction which will be placed upon this covenant will permit a majority of the assembly to elect new members of the council. And it is also to be borne in mind that if that construction is to be placed upon it there is no one to review the construction. They construe their own powers, and there is no court of appeal, no review, one of the absurd and dangerous features of the league scheme.

The second proposition of the Senator was that in a dispute between Great Britain and any other nation the dominions would have to stand aside and would have no vote; in other words, that Great Britain would vote as a unit, that the British Empire would be represented as a diplomatic unit. In the first place, Mr. President, there is no provision in the league or the covenant expressing that view. There is no term or phrase which leads to that construction. What is there against that construction? There is against that construction the fact that each one of these dominions signs the league separately, is recognized as a separate and distinct entity, a nation with nationhood of its own, and therefore presumably entitled to act separately from any other power. That is exactly, mind you, the contention which Mr. Borden and Mr. Hughes and Gen. Smuts made from the beginning of this fight. They did not propose that England should represent the dominions even in the signing of the treaty. They did not propose that England should ever again have the right to draw them into war without their individual action, and they said so. They stated

plainly that there were conditions which they would have a right to deal with separately and distinctly, and to that end they fought out the question of having their separate signatures, their separate relationship, and their separate nationhood as members of the league.

But you will bear in mind the correspondence which took place between Mr. Milner and Mr. Borden with reference to the signing of the treaty, Milner calling Borden's attention to the fact that they could put a clause in the treaty itself which would authorize the binding of the colonies and dominions by the act of the British Empire itself. Mr. Borden communicated to Mr. Milner that that would not be acceptable; not only that it would not be acceptable, but that if it was urged it would lead to trouble of a serious nature in the dominions. He said in this interview which I have quoted that the fight was for a separate and distinct nationhood, so far as the colonies or the dominions were concerned; that they had interests which they were not willing to have bound by the action of the British Empire itself, and that is the understanding now of the Canadian Government, of the Australian Government, and, I presume, of the other dominions, although I have not seen their expressions. So, Mr. President, we must conclude that the understanding upon the part of the dominions is that they would have a right to sit in a matter where they were not primarily concerned, although the British Government might be directly and primarily interested. I believe that is the fair and reasonable construction of this nebulous instrument. It is the construction which the dominions now insist upon and which they will insist upon. Who doubts it is the construction which will obtain?

The third proposition, Mr. President, is this, that the dominions are not permitted, says the Senator, to vote upon anything of importance; that they are, to use a popular expression, mere members of a debating assembly; that all they can do is to make up a report, or help make up a report; and that they exercise no real power.

I thought I could detect an inconsistency in the able Senator's argument, because with great effect he argued that these separate colonies had made such sacrifices in the war that it was nothing less than a wrong for us to deny them all the rights of other members of the league. But he finally concluded his argument by saying that the sacrifices which they made, the loss of their men, the fight which they made for the civilization of the world, will be satisfied by a position in an assembly without power, and where they can do nothing but debate.

Mr. President, that is not a correct position to take with reference to the assembly, even if they could not be a member of the council, which I do not concede. What is it that this assembly does, in the first place? The assembly is the source of all power under this league, so far as control of the membership, and thereby the directing of the league itself, is concerned. I need not say to a body of men who have had some experience in politics anything about the influence of a powerful delegation in the way of moral prestige and intellectual power in dealing with a question in an assembly or in a convention, even where they are limited in vote. If the British Empire were confined to but 1 vote and still had 18 members of that assembly, think of the tremendous, controlling, dominating influence of 18 powerful men, bound together by common interest, sitting in an assembly against a nation which has 1 vote and 3 delegates.

But this report is something more than the report which the Senator seems to have in mind. What is the object of this report which comes from the council and finally from the assembly? If a controversy arises between two nations which they are not willing to arbitrate, it may be sent to the council. If the council desires, it may send it to the assembly. If any dissatisfied member desires, it may send it to the assembly. So any question which arises under articles 12 and 13 may, under paragraph 9 of article 15, finally lodge in the assembly.

The assembly is the great supreme court, as it were, of all the controversies which may arise under the league of nations. True, as the Senator says, it does not definitely decide as a court or board of arbitration, but it does that upon which the President of the United States bases his belief that we can prevent war. It does the same thing that the council does; it has all the power that the council has. It makes its report, and upon that report it is expected to control the public opinion of the world. Upon that report it is expected that you will prevent war. Upon that report it is expected that you will put some nation at a disadvantage in the public opinion of the world.

Could there be anything more vital, more controlling, or more important than the power to make up this report which, if it is to have the effect the league organizers think, is to control the peace of the world? It makes its findings of fact,

they are published to the world, and by them the world is supposed to be controlled. Does anybody deny that in making up that report, in which the interests of the United States and her honor might be involved, the British Empire has 18 delegates and 6 votes? Does anybody deny that in making up that report, which is a matter of procedure, they may act by a majority and not by unanimous consent?

Every particle of power for controlling the public opinion of the world centers finally in the assembly, and in making it up and shaping it the United States stands there with one vote and three delegates. Against her may be arrayed the British Empire with 6 votes and 18 delegates.

Mr. REED. Mr. President, may I interrupt the Senator? I do not wish to interrupt him if it will disconcert him at all.

Mr. BORAH. I yield to the Senator from Missouri.

Mr. REED. As I understand the proposition, if there is a unanimous report by the council it absolutely binds the nations. If there is a unanimous report by the members of the council sitting on the assembly, plus a majority of the noncouncil members of the assembly, the effect is exactly the same as a unanimous report by the council; it is binding. In both those instances the party to the dispute does not sit. If we have a dispute with Great Britain, we do not sit on the council if it is there decided, neither do we sit in the assembly if it is there decided. So the effect of a unanimous decision of the council barring the members parties to the dispute, or a decision by the assembly barring the members parties to the dispute, is absolutely binding. Any nation which does not comply comes within the provisions of article 16, which I read:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

It shall be the duty of the council in such case to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The members of the league agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

So if they get a unanimous decision by the council minus the parties, or if they get a decision of the assembly, which is made up of the unanimous vote of the members of the council, minus the parties, and a majority of the noncouncil members of the assembly, and we disregard it, the whole league goes to war with us.

Now, sitting in that assembly, with the full right of a vote, are all the British colonies and dependencies that are named, even though the British Empire and the United States have a dispute.

Mr. BORAH. The Senator from Missouri is presenting another angle of the proposition.

Mr. REED. I beg the Senator's pardon.

Mr. BORAH. I thank the Senator for the interjection, but I was presenting the phase of it where the action was had without unanimous vote.

I call attention now to paragraph 2 of article 5:

All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated by the assembly or by the council, and may be decided by a majority of the members of the league represented at the meeting.

All matters of procedure, the appointing of committees, and that power which brings before the league, by reason of the report of the committees, are decided by a majority and not by unanimous vote.

Mr. President, to show how this thing, in its windings and meanderings, gathers up power as it goes along, and to illustrate the far-reaching insight of English diplomacy—of which I do not complain; I admire it—let us look at the labor organization.

Every member of the league is a member of the labor organization. This gives the British Empire six members and the United States one member in the labor organization. There is no camouflage about that. The assembly has nothing to do with that. That is not a debating society. That is the labor organization, and our laboring men would be sitting there with one-sixth of the power of the British Empire, and the United

States would have precisely the same power as India. I know now upon reflection that it will be flattering to Mr. Gompers, in his advocacy of the league of nations, that this great Republic, which has been building up the status and dominance of the laboring people of the United States for the last hundred years, should immediately descend to the common level of having the same power in the assembly as India, where they work for about one-fortieth the amount that laborers of the United States get per day.

That is found in article 387. The general conference of the labor organization is composed of four delegates from each State. This would give Great Britain 24 delegates, the United States 4, and if we count Hedjaz and Persia, it would give Great Britain 32 and the United States 4 in the labor organization.

These delegates are distributed, two Government delegates, one labor delegate, and one employer delegate, so that Great Britain would have six labor delegates and the United States one, Great Britain six employer delegates and the United States one.

The governing body of it will be composed of 24 persons. Twelve of those persons represent the Government, 6 the employers, and 6 the workers; 8 of the 12 representing the Government are to be selected by members which represent the chief industrial nations. Then the other 4 are to be nominated by the Government delegates to the conference, excluding the delegates of the 8 members mentioned above. Assuming, therefore, that the United States should be one of the eight chief industrial nations and the United Kingdom of Great Britain and Ireland another, the delegates from New Zealand, Canada, Australia, India, and South Africa would remain on hand to help select the other four. In the selection of the four neither the United Kingdom nor the United States would have a vote, being one of the eight. The five members of the British Empire would have a vote in selecting the other four members. Then the six members who represent the employers and the six members who represent labor are to be selected by the delegates representing the employers and workers, respectively, from the different countries. So that in the selection of these two sets of delegates, employers and workers, the British Empire would have six times as many votes as the United States.

But, Mr. President, to consider this question from the viewpoint merely of the number of votes cast by a nation is to consider only a part of the subject, and by no means the most vital and commanding part. Let us consider it in its wider, deeper significance—that of moral prestige, of acknowledged leadership, of the conceded greater dignity which this provision accords to the one great commercial rival we now have in the business world, a rivalry, sir, which the British Empire has augmented with unusual activity and foresight every hour since the war closed. The skill and energy, the boldness and persistency with which she has been reaching out for trade and for commercial dominion, for raw material and for business advantage since the hour of the armistice has no parallel. This we had a right to expect and of this we have no right to complain. It is in perfect accord with her proud and puissant past; it is in harmony with her intense nationalism; it is the spirit which has made the history of England the most marvelous, in many respects, in the world. For myself, I do not complain of it; I frankly confess I admire it. There is only one thing in the world more contemptible than a nation without national spirit, and that is an individual without national pride. But as Americans let us not ignore these facts, and as prudent and patriotic men let us in all reasonable and honorable ways hold to every fair advantage in the great rivalry which is inevitably to continue. Let us therefore consider this particular question in the light of this unmistakable situation. For these six or eight votes which the British Empire is to have is a definite and preconceived part of her scheme for world dominion. Dominancy of the seas, article 10, and a vote for every colony or dominion which she has or may carve out of her vast holdings washed by the seven seas—this is the most sublime and masterly scheme for the leadership of the world ever contrived by the wit or ambition of man.

What, then, is the situation, viewed in its larger aspect? We are forming a league of nations. Within this league of nations is another league—old and tested and tried—the league of the British Empire. It touches every clime; it encompasses all races, colors, religions, and creeds; it has its coaling stations and armed forts in every part of the world; its guns are trained across every strategical pathway of the sea. There is no article of commerce essential to the wants of man, no luxury which his fancy covets, but the union jack commands. There she is, a world-wide, a world-dominant power, in comparison with which Rome at the height of her glory pales into insignificance.

And under article 10 we guarantee that this condition shall be eternal. We first concede the dominancy of the sea and then we pledge that our children and our children's children shall stand guard over her far-flung possessions. Not one foot of her territory shall be taken from her without her consent or without our surrender.

Now, under these conditions a conclave of the nations is called under the league. Some world policy of vast concern is to be considered, hammered into form, announced, and forever afterwards adhered to. Sitting within the league of nations is the league of the British Empire. All nations, great and small, are affected by her power, her influence, for there is no nation, great or small, but must be beholden to her for commercial favors, and all, therefore, naturally pay homage. But in addition to this, sitting about her leaders from mother England, cooperating and advising, scheming, managing, are her representatives from every part of the world, her able men from every quarter of the globe. Such men as Smuts, soldier and statesman from South Africa; the able and indomitable Hughes, from Australia; the vigilant and gifted Borden, from Canada; and men of equal power and acumen from New Zealand and India. Consider their influence upon that gathering—their power, their sheer intellectual and moral force to dominate every policy and shape every move. Then add to that the commercial and business alliances that may be tightened, or for favors granted, extended. Here you have a league within a league complete, dominant, and unchallengeable.

Let us consider, now, the position of our own country. In that conclave under the league she would have but one set of delegates—one vote in the council, one vote in the assembly. We yielded on the freedom of the seas at England's command. We yielded on the secret treaties and permitted them all, vicious and unconscionable as they were, to be interwoven into the treaty and unwritten by the league. We yielded on the protectorate of Egypt and surrendered in the matter of Ireland. Then, in the council and the assembly, the amphictyonic council of the world, we take a subordinate, a secondary position—yield our equality of prestige, equality of moral and intellectual power, equality of dignity and honor. We lower the Stars and Stripes even in matters of place and dignity to the union jack. When did obsequiousness become a characteristic of the American people? I would demand equality for my country in place and numbers in any assembly, whatever the function of the assembly. Much more would I demand it in an arena where the subtle forces are to be set in motion which may not only settle world policies but which may determine the life and death of nations. If this league of nations is a thing of reality, then it is a betrayal of our country to enter it upon any secondary basis whatsoever. Do you contend with me that unanimous voting is sufficient? Think of the shame of Shantung—the dishonor, the burning dishonor of Shantung. Think of that "damned spot" which all the perfumes of rhetoric can not guild or conceal. Did it come about of mere count of votes? Had that been so I venture to say that it would have been killed. It was agreed to before a vote was permitted to be taken. The immoral deal was made before the vote was recorded, and therefore it was a unanimous vote. The combined strategy, the intellectual domination of many men conspired and combined against one, broke him down, and he yielded; yielded, I have no doubt, in bitterness and humiliation, and grievously, in my judgment, has he suffered for it. But he yielded. It was unanimous. Why send into this world congress, where all the passions and ambitions of men are to be centered, one man as representative of this Republic to combat against such odds? Will not the European system at best be arrayed against the American? Why place, therefore, the representative of this Republic in those great conflicts at such disadvantage or at any disadvantage at all? Let us demand and stand firm until the demand is acceded to not only equality of votes but equality of prestige, dignity, and honor.

What fatuous dreamers we are. While we talk of a new day, yield up our most vital interests in the cause of a new era in which passion and greed are to give way to benevolence and brotherly love, our partners are taking possession of the earth. Sir Auckland Geddes declared a few days ago, "Every nation is short something that Great Britain can supply. American rivalry is a bugbear. She is not well placed in the world for trade." Think of this hard-headed, clear-headed, far-sighted Englishman talking such sacrilege, even before the unseasoned messiahs of the new kingdom can draw their phylacteries about them and escape from the contagion. While we were denouncing Germany as a thing too vile to enter into business with, England within a fortnight after the armistice reestablished complete business connections and has been in full busi-

ness blast with her ever since. Enmities have never been permitted to dull the edge of husbandry in that land of practical statesmen. While the wise men sat at Versailles discussing whereabouts in the heavens the star, token of a new dispensation, would likely appear, Great Britain stepped behind the curtain and closed a deal with Persia which gave her command of the highways of the Far East and placed under her control the last virgin fields of the world's oil supply. When the job was complete a report was made for the benefit of the English eye, stating, "We have stolen a serious march on our American competitors. All the known oils outside of the United States are now under British control. In 10 years America will be importing 500,000,000 barrels a year, for which she will be paying us a billion dollars a year."

In the imperial preferential tariff bill placed before Parliament in the month of August under the name of a preferential tariff, there is to be thrown around all the possessions of the British Empire what is in effect a protective tariff. Of course, this is well within their right if not exactly in accord with their late teachings. But it was interesting to observe that in this bill the territories for which the British Empire receives a mandate from the league of nations are included as a part of the British possessions for the purposes of this preferential tariff, which, among other things, discloses how thin and gauzy is the covering of true ownership under these so-called mandates. But in these different ways Great Britain moves with alertness to build up, extend, and protect British interests. I repeat it is not a subject of criticism but it ought to serve as a warning that the day of rivalry, of business competition, between these countries is by no means at an end. I recall it that it may serve as an inducement to vigilance upon our part, and to assist us in fairly and honorably protecting our interests in all matters. Great Britain will do as she has always done, leave no effort unasserted to augment her political and material power.

Idealists, yes—humanitarians, yes; but that wonderful people in whose blood tingles the fever of world supremacy, whose national spirit finds itself incarnate in such men as Rhodes and Geddes will sit in the council, will fill that assembly which you are creating, and the men who decline to arm the representatives of this Republic with every possible weapon of legitimate warfare, consciously or unconsciously, are bartering away the happiness, the prosperity, the dignity, and honor of the American people. When our markets are crippled, our mills are slowing down, and our workmen out of employment; when our representatives of the league come back compromised, out-generated, as in the case of Shantung and Egypt, and out-manuevered, as in the case of Persia, we shall realize that while generosity has its place in this world, too, is a thing which needs intelligence and prudence if it is not to end in shameless disaster. "The wise shall inherit glory, but shame shall be the promotion of fools."

What right, what possible right, has Great Britain to demand this advantage, and what right have we as temporary representatives of the people of this country to grant it? We were first told that Great Britain did not demand it—that it was frankly and quickly conceded as a gracious favor because of the services rendered by the dominions. We certainly do not challenge the service rendered by the dominions, but they rendered it as a part of the British Empire. Did not New York and Massachusetts render service as a part of the Republic? But it is now made plain by Premier Borden that this was not quickly granted. There was much opposition to it, and we are told that the premier of England valiantly fought for it. Do you think it was fought for as a toy, as an empty favor or an inexpensive courtesy? It was fought for because it was regarded as a matter of great worth to the Empire, as every reflecting man must know. It is a thing of advantage, otherwise it would not have been demanded. And why should the United States be placed at a disadvantage in this league? Did she not enter the war without bargain and end the war without gain? Did she claim any territory or reparation? Her dead are hostages to the liberty of the world. What is there in her record that she should be second to any sovereign on earth even, if you please, sir, in a debating society? By precept and example, by counsel, and by arms we have stood for liberty, for humanity. If this is a league for liberty, for humanity, why should not our place be among the first, why should not our voice be as mighty as that of any people, her place of vantage as great as that of any power?

Mr. KELLOGG obtained the floor.

Mr. LODGE. Mr. President, will the Senator from Minnesota allow me to make a request?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. KELLOGG. I yield.

Mr. LODGE. Mr. President, it is necessary for the Committee on Foreign Relations to meet and continue their work at 4 o'clock this afternoon. Therefore I shall be obliged to leave the floor at that time; and I wish now to ask that at the conclusion of the remarks of the Senator from Minnesota the Senate take a recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. Is there objection to the procedure suggested? The Chair hears none, and it is so ordered.

Mr. KELLOGG. Mr. President, I desire to state briefly why I can not vote for the amendment of the distinguished Senator from California [Mr. JOHNSON]. I do not claim that the British Empire should have six votes in the assembly or more than one representative in the council; I shall not defend the action of the President in granting the demands of the British Empire in this respect. I do not think the President stood for all he should have, nor did he demand all he should have for his country at Versailles. I do not disagree in the main from the eloquent Senator from Idaho [Mr. BORAH]; but I do not think the amendment accomplishes what he claims. It does not accomplish any of the things which he seeks to remedy. If he proposes to decrease the influence of Great Britain in the assembly of the nations of the world, he must either take from Great Britain her six votes, which he does not propose to do, or he must give every other nation in the world the same vote under all circumstances and all conditions, which he does not propose to do.

Mr. President, I do not propose to minimize the great services performed by Great Britain during this war. I realize that the British Empire, as a whole, at the most critical moment of the world's history, at the hour of the greatest danger to the self-governing peoples, stood like a wall of rock, as she stood 100 years ago against the ambitions of Napoleon. I do not minimize her splendid services in this regard to the world; but, Mr. President, Germany was thundering at her gates as the Saracens were thundering at the gates of Europe twelve hundred years ago. She had no choice. If Great Britain had not come to the rescue of France, the British Empire must have fallen, as it would have a hundred years ago but for the memorable Battle of Waterloo.

Mr. President, I think we performed an equally great service to the world, as great a sacrifice to self-governing peoples, as great a service to humanity and to civilization as did Great Britain or any of the other great nations engaged in this momentous struggle.

I do not deny that it was the duty of this country to enter the war. We might have done so before. We should have raised a warning hand when Germany ruthlessly invaded Belgium. Had we prepared then, as we should have done, and entered the war, we could have ended it with much less sacrifice of blood and treasure and very much less suffering. I realize, however, that we were separated by 3,000 miles of land and water. If Germany had been victorious, she would have attacked the United States next. She committed crimes against us which we could not, as a self-respecting Nation, overlook, and when the time did come and we finally entered the war, we exerted an influence and power which Germany could not resist. Such an example as ours has never been recorded in all the troubled pages of history, where a nation marshaled millions of men, all her resources, and crossed the sea to help crush an ambitious enemy of all the world.

I am not here to claim for Great Britain a preponderant vote in the assembly. I am here to stand for American rights, American interests, American honor, and American civilization, but in doing so I can not overlook the rights of other nations.

I know it is said that this amendment is the test of Americanism. I am willing to answer for my Americanism before my people or the people of the United States. I may disagree with Senators, but not on that proposition. I do not claim that they are not as patriotic or their motives as high as mine; but when I have considered a matter and have made up my mind as to what I should do, I am responsible for my actions, and I am willing to answer for them.

The distinguished Senator from Idaho [Mr. BORAH] said, "We do not propose to take from the British Empire any of her votes, but to equalize her votes." He does propose to leave her to wield the power derived from her six votes, and I shall ask the attention of the Senate while I try to demonstrate that proposition.

The distinguished Senator says that this can not be measured alone by the number of votes or the questions upon which the

members can vote, but in the larger aspect by their influence in the assembly, the council of the world; but he does not propose by this amendment to equalize that representation or to give us the same number of representatives, but only the same number of votes when we can use those votes, and at no other time.

Mr. President, I can best illustrate the matter by stating certain questions which are the principal questions to be decided by the league or by the council of the league. Let me state the following cases: A case where we have a dispute with the British Empire; a case where we have a dispute with another member, for instance, say, Mexico; and a case of dispute between two outside members to which we are not a party. In none of these cases would this amendment give us six votes on any possible question. Now, if that be true, is this the best way to equalize our influence and our power in the league of nations?

Let me further illustrate. Take the first case, where we have a dispute with the British Empire. We would have no vote at all; the British Empire would not have a vote; but according to the construction of the distinguished Senator—which may be correct—the colonies and self-governing countries belonging to Great Britain would each have a vote, and I am willing by a reservation to deny them that vote.

Now, let us take the next case—where we have a dispute with another member, for instance, with Mexico. Great Britain might cast her six votes either with Mexico or against her, and we would have no vote at all. The only remedy is to provide that the British Empire shall have but one vote; and that the distinguished Senator says he is not willing to do, because he does not wish to take from Canada, Australia, or New Zealand their right to vote in the assembly. The amendment is as follows:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

But in the case of a dispute between the United States and the British Empire or any of her possessions, or a dispute between us and the Republic of Mexico, we would have no vote, and this amendment would not give us any vote, but would still leave Great Britain free to cast her six votes against us if she saw fit.

Suppose we had a dispute with Mexico, and she should ask under the provisions of the league to take that dispute to the assembly. No party to a controversy has any votes in the assembly or in the council, and therefore this amendment would still leave Great Britain to exert that influence which the Senator deprecates in the event of any contest between the United States and Mexico, exactly as she would under the covenant as it is drawn. There is but one remedy, either deny her all votes but one as the British Empire or put every member upon the same footing and foundation. This amendment does not propose to do it.

Now, let me take the third case, the case of a dispute between two outside countries.

Mr. CURTIS. Mr. President, before the Senator reaches that point—

Mr. KELLOGG. Unless the Senator wishes to make some announcement I would rather not be interrupted.

Mr. CURTIS. I wanted to ask the Senator a question, but if he declines to yield it is all right.

The PRESIDING OFFICER (Mr. HALE in the chair). Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. KELLOGG. I yield.

Mr. CURTIS. I withdraw my question.

Mr. KELLOGG. No; I yield to the Senator.

Mr. CURTIS. I want to ask the Senator this question: In case of a dispute between Great Britain and the United States, if for any reason Great Britain had an idea that the council would be unanimous for the United States and removed that dispute to the assembly under the provision of the covenant as it is drawn, would not Great Britain have five votes in the assembly while the United States would have none?

Mr. KELLOGG. No; because neither Great Britain nor this country could vote in the assembly. They are excluded.

Mr. CURTIS. Yes; but the colonies could.

Mr. KELLOGG. This amendment does not remedy the inequality, because in no event would we have six votes; and if the colonies could vote, the amendment proposed by the distinguished Senator from California [Mr. JOHNSON] does not remedy it. That is the point I make. The only remedy is by a reservation, which I am in favor of, declaring that in case

of any dispute between a member having self-governing colonies and our own country, the self-governing colonies shall have no vote; the vote of the principal member shall be the only vote they are entitled to. But this particular amendment does not reach that.

Mr. CURTIS. I am afraid the Senator's construction of that amendment is too narrow.

Mr. KELLOGG. Which amendment is the Senator speaking of?

Mr. CURTIS. The amendment offered by the Senator from California [Mr. JOHNSON].

Mr. KELLOGG. It does not touch that point.

Mr. CURTIS. His amendment says that in any controversy in which we are concerned we shall have the same number of votes that Great Britain has.

Mr. KELLOGG. But we would have no vote in a controversy in which we were concerned.

Mr. CURTIS. But we want to be given the vote. That is what we are insisting upon.

Mr. KELLOGG. The answer to the Senator's proposition is this: The amendment of the Senator from California does not propose, in a dispute between this country and the British Empire, to give us an equal number of votes with that country. It is for that reason I am in favor of a reservation that where there is a dispute between this country and any member having self-governing colonies, neither the parent country nor the self-governing colonies can vote.

Mr. JOHNSON of California. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from California?

Mr. KELLOGG. I yield.

Mr. JOHNSON of California. I simply want to correct the Senator in one particular, that is all; not to interrupt him. There is a corollary of this amendment which the Senator will find in the form of an amendment to article 15.

Mr. KELLOGG. I am going to speak of that.

Mr. JOHNSON of California. And in that corollary the exact thing that the Senator inveighs against is accomplished.

Mr. KELLOGG. I shall come to that amendment in a moment. The Senator from California is entirely right. The amendment which the Senator refers to is not the amendment offered by him, but the amendment offered, as I understand, by another Senator, Mr. Moses, from New Hampshire.

Mr. JOHNSON of California. The two were offered together, and they relate to the same subject matter.

Mr. KELLOGG. I will admit that. I do not wish to avoid that in the slightest degree. But the amendment referred to is found on page 31, and I will come to that in a moment. It provides:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

That amendment would prevent the colonies of the British Empire from voting when we have a dispute with the British Empire, and I am in favor of the principle of that amendment, declared in a reservation, which will amply protect this country. I believe that may be the proper construction of the covenant, in any event.

But I realize that in many respects it is very indefinite, it is subject to different constructions by equally honest minds, and I am perfectly willing to make it clear by a reservation that she should not have such vote.

Mr. JOHNSON of California. Mr. President, will the Senator yield for just one question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from California?

Mr. KELLOGG. I yield.

Mr. JOHNSON of California. Do I understand the Senator to say that his construction is, under the covenant as it now stands, that the colonies of Great Britain could not vote in a dispute between one of the colonies of Great Britain and ourselves or another country?

Mr. KELLOGG. I say that that construction has been placed upon it by very able gentlemen.

Mr. JOHNSON of California. Does the Senator place that construction upon it?

Mr. KELLOGG. I hold that that construction might honestly and fairly be placed upon it by men of fair minds. I do not say that that is the proper construction.

Mr. JOHNSON of California. May I ask what the Senator's construction of it is?

Mr. KELLOGG. I will come to that in a moment.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. No; I decline to be interrupted further.

The PRESIDING OFFICER. The Senator from Minnesota declines to be interrupted.

Mr. KELLOGG. I will take but a few moments, as I understand the Senate is to recess at 4 o'clock, and I hope Senators will permit me to proceed with my argument.

The third case which I suggested is a case of a dispute between two outside members of the league, say Mexico and Colombia, or any two members. I do not think that this amendment would give us 6 votes in such a case. If a party to the dispute demands that it go to the assembly, it will be sent there under article 15, which provides as follows:

The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.

Then the section proceeds, and this is the provision to which I invite the Senate's attention:

In any case referred to the assembly all the provisions of this article and of article 12 relating to the action of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Note the language:

Provided that a report made by the assembly, if concurred in by * * * the council and a majority of the other members.

This country is a member of the council in such a dispute between Mexico and Colombia, and as such member of the council has a vote. But those voting in the assembly are nations which are not represented in the council, and therefore we would have no vote to make up that majority. In other words, the council must be unanimous in order that we can vote. Then it must be concurred in by a majority of the other members of the league who are not members of the council.

Mr. President, I have given three of the principal cases where there could arise a dispute between the United States and the British Empire, between the United States and any other member of the league, or between two members of the league other than the British Empire and the United States. In none of those cases, as I read this amendment, would it grant the relief which is demanded by the distinguished Senator from Idaho [Mr. BORAH].

I believe that my country is entitled to the same representation as any other country in the world, and I am willing that every other country should have the same representation as this country has. There is only one solution, and that is to provide that Great Britain, or the British Empire, shall have one vote, and only one vote.

Mr. President, I am not going to discuss the question raised by the Senator from North Dakota [Mr. McCUMBER] and so ably discussed by the Senator from Idaho [Mr. BORAH], whether the British colonies are entitled to a place upon the council. If they are, the amendment of the distinguished Senator from California [Mr. JOHNSON] and the amendment proposed by the Senator from New Hampshire [Mr. MOSES] do not cure this defect. I do not believe that the British Empire, which is a party to this treaty, as a whole ought to have more than one representative upon the council, and I am willing to vote for a reservation that provides that that is the proper construction of the covenant. I am quite aware that the President, Messrs. Lloyd-George, and M. Clemenceau joined in a letter to Mr. Borden stating that Canada was entitled, if she could be elected, to a place upon the council; and I am quite aware of the arguments of the Senator from North Dakota [Mr. McCUMBER] that, as the council is made up of representatives of the principal allied and associated powers, and as the principal allied and associated powers are the British Empire—not Great Britain—the United States, France, Italy, and Japan, the greater includes the less, and that when the British Empire is represented upon the council it necessarily, by implication, excludes the colonies of the British Empire. It will be noted that in the first provision of the treaty the principal allied and associated powers are defined as the United States of America, the British Empire, France, Italy, and Japan, these powers being described in the present treaty as "the principal allied and associated powers."

As the Senator from North Dakota [Mr. McCUMBER] says, the council is made up of representatives of the principal allied and associated powers, which include the British Empire, not

Great Britain, and he does not think the colonies of the British Empire are entitled to representation upon the council.

The distinguished authorities—the President, Mr. Lloyd-George, and M. Clemenceau—hold the opposite view, and I must admit that since these gentlemen framed the instrument their judgment is entitled to great weight. However, it is immaterial, because these amendments do not seek to remedy that situation at all.

As I said before, it has been proposed that this situation be corrected in the resolution of ratification by a reservation. Such a reservation, I am told, is before the Committee on Foreign Relations, and I shall read that reservation into the Record for the benefit of the Senators. It is as follows:

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate, have cast more than one vote; or in case of any dispute between the United States and any member of the league in which such member or any self-governing dominion, colony, empire, or part of empire, united with it politically, shall have voted.

This covers both the amendment offered by the Senator from California [Mr. JOHNSON] and the amendment proposed by the Senator from New Hampshire [Mr. MOSES]. In other words, the distinguished Senator from Idaho [Mr. BORAH] says, "We do not propose to say that Canada, New Zealand, and India should not vote, but we propose to give the United States an equal vote." But the amendments do not accomplish that in any dispute.

This reservation would simply serve notice upon the British Empire that we decline to be bound by an award or decision in which any member and its self-governing colonies cast more than one vote.

It may be that in disputes we should not object to the votes of Canada and the other countries. I understand it to be the theory of the Senator from Idaho that they should vote, but I do think that it is entirely consistent for us to say, "If you propose to give them six votes, we shall not be bound in any dispute where that right is exercised to our disadvantage, if we object to it."

The second part of this reservation covers the amendment of the Senator from New Hampshire [Mr. MOSES]. It provides that we shall not be bound—

* * * in case of any dispute between the United States and any member of the league in which such member or any self-governing dominion, colony, empire, or part of empire united with it politically shall have voted.

Mr. President, I heard the argument of the distinguished Senator from North Dakota [Mr. McCUMBER] that in a dispute between us and the British Empire the colonies could not vote, but would be excluded. I shall not analyze that argument, for I realize the equity of his position. If we were construing an ordinary instrument, I realize that it could be well said that where the British Empire had a dispute with us it was a dispute with all the British Empire, which would include her colonies. Her colonies have no foreign relations. A dispute with Canada is a dispute with the British Empire.

I am willing, for the purposes of the argument, to concede the position of the Senator from Idaho, but I state unequivocally that no amendment is necessary to construe this covenant, so that no member in dispute with this country can control the vote of its colonies, self-governing dominions, or parts of empire in that dispute. This can be accomplished, however, by a reservation, for which I shall vote.

I wish to confine the limitation to this country. I do not wish to intermeddle in the affairs of the other signatory powers. If France, Italy, or Japan, or any other country desires that as between itself and the British Empire the latter may cast or have its colonies cast votes when the British Empire is interested it does not concern me. Therefore I wish that this reservation shall be confined to this country alone.

Referring again to the amendment, it provides:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

In my opinion, if the treaty is returned with that amendment in it, it must be agreed to by all the other powers as between themselves, and France and Italy could not agree that the British Empire should have her colonies vote in a dispute with them. Under this reservation, however, we are not meddling in their affairs, and I am not concerned with their decision. I shall be satisfied when we have placed a reservation upon this instrument which prevents the colonies of a member from voting in a dispute between us and the parent government.

Mr. President, I do not see why we should seek to amend the treaty as between France, Great Britain, Italy, or any other members of the league when we can make a reservation apply to this country alone, which they may then accept and which will protect the United States.

Mr. President, through all this long contest I have constantly kept in mind that it is the bounden duty of the Senate to see that the honor, rights, and interests of this country are protected. I yield to no man in that desire. If we can accomplish that as between the United States and the other nations, I am willing that France, Italy, and the other powers shall do as they please, and I shall not ask them to change the treaty as between themselves.

I do not sympathize with the sentiment expressed by some that the Senate should simply adopt the treaty as it was written in Paris, and that we should not exercise our judgment upon these great vital issues so important to the honor, the stability, and the progress of this Nation. While I am willing to concede that Great Britain has done much to encourage democratic government over the face of the earth, I believe that we took a step in advance and that we have given to the world a Constitution which, as a model, has been copied by many nations in the last 100 years. I believe it is of the utmost importance that this country should maintain her institutions unimpaired, without the meddlesome interference of any other nation, for in that regard I am not an internationalist. But when I have voted for reservations which, in my judgment, protect the institutions and the future of this Nation, I am not willing to go further and urge that the other countries accept them as between themselves as the proper interpretation of the covenant. That is my position. I may be wrong; but I am willing to answer for it in the great court of public opinion, where we must all answer.

Mr. KING. Mr. President, I should like to ask the Senator just one question before he resumes his seat.

Mr. KELLOGG. What is the question?

Mr. KING. The Senator has indicated that the reservations to which he calls attention would, in his opinion, fully protect the United States. I refer to the reservation with respect to voting in the assembly. How does the Senator think the reservation would protect the United States in the international labor conference? I regard the labor provision as a very important one, one of the vital provisions of the treaty, and I am not quite sure that the discussion of the Senator illuminates the question as to the protection which our Government would have in the labor conference.

Mr. KELLOGG. The Senator from Idaho stated that the same representation would exist in the labor conference as existed in the league; and if that is true no decision of the labor conference, in which the British Empire and her self-governing colonies had more than one vote, would bind us in any respect. I have not given particular attention to the effect of it, but if this reservation does not cover it, of course, it can be made to cover it.

Mr. THOMAS. Mr. President—

Mr. KELLOGG. I yield to the Senator from Colorado.

Mr. THOMAS. There is this further difference between the two. The so-called Johnson amendment attacks a part of the league where unanimity of action by the council is required. The representation in part 13 of the treaty, which is the labor part, contains no provision for unanimity. There a two-thirds vote is all that is necessary, and if this amendment is needed here it is much more needed in part 13, to which it does not apply at all.

Mr. KELLOGG. That is quite true.

Mr. LENROOT. Mr. President—

Mr. KELLOGG. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to ask if there is not this distinction, that as to part 13 the labor conference can take no action which binds the United States, under the terms of the treaty, without subsequent action by the United States.

Mr. THOMAS. That is true.

Mr. LENROOT. But that is not true of the league covenant.

Mr. THOMAS. That is true as it now stands. It will not be true very long after it goes into effect.

RECESS.

The PRESIDING OFFICER. The Senator from Minnesota having concluded his remarks, under the unanimous-consent agreement the Senate will stand in recess until 11 o'clock to-morrow morning.

Thereupon (at 4 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Thursday, October 23, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, October 22, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life and love, justice and mercy, strength and purity, impart unto us of these inestimable gifts abundantly, that the trend of our lives may be Godward and all men come into the oneness in thought and intent with Thee; that selfishness, greed, profiteering, may pass away, and the ruling passion of men may be to help, exalt, purify; that the simpler life may be ours and all men live together in peace and happiness, inspired by the world's great Exemplar, our Lord and Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the roll of committees.

The Committee on Foreign Affairs was called.

INTERNATIONAL COMMUNICATION.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs I call up the bill (H. R. 9822) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication.

The SPEAKER. The gentleman calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, I raise the question of consideration on this measure.

Mr. ROGERS. Mr. Speaker, I make the point of order that that question is not in order at this time.

The SPEAKER. There has been a ruling on that, that on Calendar Wednesday that question should be raised in the committee and not in the House. Speaker CLARK ruled that in the last Congress.

Mr. BLANTON. This bill is not on the calendar, is it?

Mr. ROGERS. It certainly is on the Union Calendar.

The SPEAKER. It is on the Union Calendar.

Mr. ROGERS. Mr. Speaker, we automatically go into the Committee of the Whole House on the state of the Union.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum here before we pass on this matter, and I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of no quorum present. The Chair thinks no quorum is present.

Mr. MONDELL. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Edmonds	Kennedy, R. I.	Riordan
Anthony	Ellsworth	Kless	Robinson, N. C.
Bacharach	Fess	Kincheloe	Robison, Ky.
Bankhead	Fields	Kraus	Rodenberg
Barbour	Fisher	Kreider	Rowan
Barkley	Fitzgerald	LaGuardia	Sabath
Begg	Foster	Langley	Sanders, La.
Bell	Frear	Lankford	Sanford
Benson	Fuller, Ill.	Lazaro	Saunders, Va.
Boohar	Fuller, Mass.	Lee, Ga.	Schall
Brand	Gandy	Little	Scully
Brinson	Ganly	McClintic	Sells
Britten	Garner	McGlennon	Siegel
Brumbaugh	Garrett	McKenzie	Sisson
Burdick	Godwin, N. C.	McKeown	Sismp
Burke	Goldfogle	McKinley	Smith, Ill.
Butler	Goodall	McKinley	Smith, N. Y.
Byrnes, S. C.	Goodwin, Ark.	McLane	Snyder
Campbell, Kans.	Goodykoontz	McLaughlin, Nebr.	Steele
Cantrell	Graham, Ill.	MacCrate	Steenerson
Carew	Greene, Vt.	Maher	Stephens, Miss.
Carter	Hamil	Mann, Ill.	Stephens, Ohio
Christopherson	Harrison	Mansfield	Stevenson
Clark, Fla.	Haskell	Mays	Sullivan
Cole	Hastings	Mead	Swope
Copley	Hays	Moore, Pa.	Taylor, Ark.
Costello	Hellin	Moore, Ind.	Thomas
Cramton	Hicks	Morin	Tincher
Cullen	Hill	Mott	Tinkham
Curry, Calif.	Hull, Iowa	Mudd	Treadway
Davis, Tenn.	Ireland	Newton, Mo.	Vare
Dempsey	Jeffers	Nicholls, S. C.	Vinson
Dent	Johnson, Ky.	Ogden	Ward
Dewalt	Johnson, Miss.	Olney	Wheeler
Donovan	Johnson, S. Dak.	Pell	White, Kans.
Doelling	Johnston, N. Y.	Rainey, H. T.	Wise
Doremus	Kelley, Mich.	Rainey, J. W.	Woodyard
Drane	Kendall	Reed, N. Y.	Yates
Eagle	Kennedy, Iowa	Riddick	Young, N. Dak.

The SPEAKER. On this call 274 Members have answered to their names, a quorum.

Mr. ROGERS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk reported. The gentleman from Missouri [Mr. DYER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DYER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 9822, which the Clerk will report.

The Clerk read the bill by title.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. WINGO and Mr. BLANTON objected.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless, telephonic, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

Sec. 2. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State for expenses incidental to the conference.

With the following committee amendment:

On page 1, line 6, after the word "appoint," insert "by and with the advice and consent of the Senate."

Mr. ROGERS. Mr. Chairman, this bill is to provide the necessary authorization for the holding at Washington of an international conference to take up all questions relating to international communication. The only question at issue between the majority of the Committee on Foreign Affairs and the minority of the committee is whether the President shall be required to submit for confirmation by the Senate the names of the representatives of the United States to that conference. The minority of the committee bases its objection to the bill solely upon that point. Before I deal specifically with it I want to call to the attention of the House some of the considerations which lead me to believe that this conference is of very great importance to the country.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. ROGERS. Not now. This conference will take up, among other things, the question of the disposition of the captured German cables. Under the agreement of the Paris conference these German cables—which are quite numerous and of great importance to the commercial world—were given to the five great powers, each of which at present owns a one-fifth undivided interest in them. What shall be the ultimate disposition of them? I do not need to emphasize the great importance of a wise answer to that question.

Another question will be the general one of how the rights of property in submarine cables in peace and in war shall be maintained and preserved. It was developed at the peace conference and during the war that there was practically no body of authority as to the rights of property in submarine cables in peace and in war.

As an illustration of the length to which Governments went, Great Britain cut one end of the New York-German cable and towed that end into Halifax; she cut the other end of the cable in the English Channel and towed that into Land's End. So that instead of there being a German-American cable, the result of that action was that there was a Great Britain-Canada cable.

The United States protested, but because there was no international law on the subject, absolutely no result was obtained and no redress secured. All these questions will be considered by a conference of this kind.

Then innumerable questions which relate to radio operations, both in peace and war, will come before this conference—communication between vessels at sea, communication between vessels in distress and the shore, questions relating to the regulations of wave lengths for wireless purposes, and so forth. Questions involving the international use of telegraphs and telephones will also be dealt with.

Mr. JUUL. Will the gentleman yield for a question?

Mr. ROGERS. For a brief question.

Mr. JUUL. I want to ask the gentleman if the cutting off of this trans-Atlantic cable of which he speaks was done by England before we entered the war or after?

Mr. ROGERS. Oh, before we entered the war.

Mr. JUUL. That is different.

Mr. MILLER. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. MILLER. What are the five powers among which the German cables were divided?

Mr. ROGERS. Great Britain, France, Italy, the United States, and Japan.

Mr. MILLER. Japan shares one-fifth?

Mr. ROGERS. Japan has an undivided fifth part in the cables.

It is very important for this country, very important for the civilized world, that these questions should be settled wisely and explicitly and as nearly as possible for all time.

Mr. WALSH. Will the gentleman yield?

Mr. ROGERS. I will yield to the gentleman.

Mr. WALSH. Will the gentleman state whether it is necessary to have legislation enacted to authorize the President to call this conference? Does he not have authority now to call a conference?

Mr. ROGERS. By the act of March 4, 1913, it was provided that no such conference shall be called unless the consent of Congress shall first be obtained.

Mr. WALSH. This involves the negotiation of a treaty, and he would have authority to appoint commissioners for that purpose to consider all these matters.

Mr. ROGERS. The precedents indicate that the President has ample authority to appoint representatives to negotiate a treaty; but while the line may sometimes be a narrow one there is a distinction between the negotiators of a treaty and gentlemen who come together to form an international conference.

Mr. WALSH. Eventually will not these matters subject to the conference have to be determined by a treaty?

Mr. ROGERS. This conference will fail of its purpose if it does not succeed in drafting some sort of an instrument that will ultimately be the basis of a treaty. It is for that very reason that the majority of the Committee on Foreign Affairs feels that it is extremely important to have confirmed by the Senate the nominations of the President.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. RAMSEYER. More important than the rights in the German cables now divided among the five great powers, it seems to me, is the matter of more adequate facilities in the way of cables for communication. I understand that the commercial world is handicapped by the inadequacy of international communication.

Mr. ROGERS. That is true, and one reason for that fact is that the rights of property are not protected now. If men who wish to invest money in a cable company were sure their rights of property therein would be taken care of in time of war they would be more interested in undertaking such an enterprise.

Mr. RAMSEYER. That is one of the problems to be considered?

Mr. ROGERS. That is one of the problems to be considered at this conference.

Mr. DENISON. Will the gentleman yield?

Mr. ROGERS. I will yield to the gentleman from Illinois.

Mr. DENISON. I would like to ask who is to participate in the conference?

Mr. ROGERS. All of the Entente powers. At this stage only the Entente powers will be invited.

Mr. DENISON. Why?

Mr. ROGERS. I suppose, for the same reasons that have influenced the action of the commissioners at Paris. They are not prepared at the present time to take the hostile powers into the full community of nations.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. TEMPLE. Have diplomatic relations been resumed between the Entente powers and the powers with whom we are technically still at war?

Mr. ROGERS. They have not been resumed with either Germany or Austria-Hungary.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. DENISON. I did not have in mind the enemy nations, but I had in mind the great neutral nations not involved in the war.

Mr. ROGERS. I think I was mistaken in my previous answer. The neutral nations are, I understand, to be included in this invitation.

Mr. DENISON. Could not this question be handled by the league of nations, which is coming into power pretty soon?

Mr. ROGERS. I am frank to say that I believe it would be better handled by this conference than by the league of nations.

Mr. DENISON. I would like to know why, but I shall not take the gentleman's time.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. WHITE of Maine. In connection with the question as to whom the invitation may be extended to attend this conference, that is a matter wholly within the discretion of the President.

Mr. ROGERS. Yes.

Mr. WHITE of Maine. Is there any reason why he can not also, if he sees fit, invite the powers with whom we have been at war?

Mr. ROGERS. Under this resolution he can invite whatever powers he sees fit to invite, but my understanding is that he intends to exclude the Central Powers.

I have been trying to emphasize the importance of this conference, because it seems to me that on that element of importance depends to a considerable extent the propriety of the amendment of the committee requiring confirmation by the Senate. Of course, gentlemen are familiar in this House with the extent to which confirmations by the Senate are necessary. For example, there are 10,825 post offices in the United States, nominations of postmasters to which must be confirmed by the Senate. Among these great post offices which are included in that enumeration are the post office at Riverdale, a few miles to the northeast, carrying a salary of \$1,000 a year; the post office at Kensington, beyond Chevy Chase, with a salary of \$1,200 a year; Mount Rainier, in the northeast, with a salary of \$1,100 a year; Forest Glen, where the girls' school is, with a salary of \$1,600 a year; Hyattsville, with a salary of \$1,700 a year; Gaithersburg, with a salary of \$1,600 a year; and Silver Spring, with a salary of \$1,400.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. May I go on for just a moment?

Mr. RAMSEYER. I just want to ask the gentleman about this phrase here. I want to know whether that is an innovation in bills of that kind?

Mr. ROGERS. I will deal fully with that in a moment. I have not been able to get the exact number of appointments certified to the Senate for confirmation since President Wilson took office in 1913; but in the Sixty-third Congress there were over 10,000 such appointments, in the Sixty-fourth Congress there were over 12,000 such appointments, and the best estimate that I can make for the Sixty-fifth Congress is that there were something like 25,000 such appointments.

Mr. FLOOD. Mr. Chairman—

Mr. ROGERS. I can not yield just now. They include postmasters of the first, second, and third class; they include Army officers from second lieutenant up to a four-star general; they include naval officers from ensign up to an admiral; they include consuls of the eighth class and secretaries of the fourth class.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. FLOOD. Is it not a fact that the Constitution—

Mr. ROGERS. I am coming to the Constitution in a moment.

Mr. FLOOD. But I want to ask the gentleman a question.

Mr. ROGERS. I want to show what the facts are. I have in my hand a book showing the nominations from the Treasury Department which must be confirmed by the Senate, another book showing nominations from the Department of Justice, many of which must be confirmed by the Senate, and a thick volume submitted to this Congress in 1913 by the Civil Service Commission showing the officers of the Government who must be confirmed by the Senate. This book contains something like 120 pages of the finest possible type, though it excludes all Army and Navy officers. In other words, there are tens of thousands of positions under the Government which to fill lawfully the President must have the confirmation of the Senate.

Mr. FLOOD. Mr. Chairman, will the gentleman permit me to ask him a question there?

Mr. ROGERS. I can not yield just now.

Mr. FLOOD. But the gentleman has an hour.

Mr. ROGERS. I will yield a little later. I want to read from the Constitution of the United States itself.

Article II, section 2, of the Constitution of the United States provides that the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

In other words, the presumption is that every officer under the United States shall be appointed by the President and shall be confirmed by the Senate, but in the case of inferior officers and at the pleasure of Congress the authority may be conferred upon the President to make such appointments alone.

The majority of the committee regard this forthcoming international-communication conference as a very important one. We are not willing to belittle the character of the officers who shall represent the United States at that conference by saying that the President alone may appoint them. We do not regard them as "inferior officers." Therefore we want to have them confirmed by the Senate. We believe that such a requirement will result in additional prestige to them; we believe also that it is of great importance, in view of the magnitude and diversity of questions coming up at that conference, that the very best men to be found in the United States shall be appointed. We think that this amendment will encourage the selection of the very best men.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. TILSON. Has the Congress by law ever authorized the appointment of a class of officers that would permit the appointment to be made without the confirmation of the Senate?

Mr. ROGERS. Yes.

Mr. TILSON. Has there been any specific law passed by Congress authorizing such officers to be appointed without confirmation by the Senate?

Mr. ROGERS. I will cite such a law in a moment.

Mr. TILSON. Then, if it should be determined that these are inferior officers, who should not have the approval of the Senate, should not we, in this act at least, specify that they may be appointed without the confirmation of the Senate?

Mr. ROGERS. I think that is a very strong point. Such a situation was illustrated in the matter of post-office appointments. From the foundation of the Government until 1872 every postmaster was subject to confirmation by the Senate. Then in 1872 the Congress passed a law providing that thereafter fourth and fifth class postmasters, who were deemed by Congress to be inferior officers within the language of the Constitution, might be appointed by the President alone, but continuing the requirement that first, second, and third class postmasters must be confirmed by the Senate.

Mr. TILSON. And in the case of appointment of officers in the late war was it not specifically provided by law that those officers might be appointed without the confirmation of the Senate?

Mr. ROGERS. That is true; and that is another illustration of just the same situation.

Mr. FLOOD. Will the gentleman now yield?

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. FLOOD. I would like to ask the gentleman how many instances he has come across of acts of Congress requiring the President to submit nominations for appointment of delegates to an international conference to the Senate for confirmation?

Mr. ROGERS. I have read the report of the gentleman from Virginia which was submitted yesterday, and the gentleman has very fully and, I think, very accurately set forth the facts in that regard. I think since the beginning of the Government there have been something like 32 cases or 35 cases which have been confirmed by the Senate and several hundred cases which have not been confirmed by the Senate.

Mr. FLOOD. The gentleman did not catch my question. I asked him how many acts of Congress he had discovered that required the President to submit his nominations to the Senate, not how many times the President had acted—

Mr. ROGERS. It is the provision of the Constitution itself that requires confirmation by the Senate, unless Congress explicitly relieves the President from the necessity. Such a law is, therefore, unnecessary.

Now, the question is, gentlemen, whether these men ought to be regarded as inferior officers. Both the Secretary of State and his expert on this question testified that something like a treaty was likely to result and ought to result from the deliberations of the conference. The Secretary of State testified that these representatives of the United States would probably be

paid. He said he did not believe in voluntary service; that he believed in paying men, so that you could keep a tight rein upon them. So these men are going to be paid, and they are going to represent the United States for an indeterminate period—probably for several months. I submit that for these reasons and in view of the magnitude of the interests at stake and of the importance of the United States of the issues to be taken up it is not fair to the country not to require that these representatives on the part of the United States should be confirmed by the Senate. I am willing to go further, gentlemen. I am willing to say that whenever we authorize in Congress an international conference the representatives to that conference ought to be confirmed by the Senate. There is no disposition on my part and, I think, no disposition on the part of my colleagues on the committee to nag or hamper or harass the President. I am willing to put this issue on the very broad ground that when matters of fundamental importance to the Nation, involving our policy for years to come, are going to be presented at an international conference, it is right and proper that the legislative branch of the Government should have a hand in saying who the representatives of the country should be to negotiate with the delegates of the other nations of the world. So, gentlemen, let us put it on that broad ground.

Congress since 1913 has said the legislative branch has an interest, and a direct interest, in determining what international conferences shall be held. Up to 1913 the President could call international conferences as he saw fit. Since 1913, as I say, it has been necessary for Congress to authorize the call before he could even issue the invitation. Having thus indicated our viewpoint, why should not we all the more indicate our interest in the character of the personnel of our representatives to that conference?

Mr. JUUL. Will the gentleman yield just briefly?

Mr. ROGERS. I will yield for a question.

Mr. JUUL. I want to ask the gentleman from Massachusetts to what extent did the legislative branch of the Government have anything to do with the selection of the men who sat with the other nations in Paris?

Mr. ROGERS. They had absolutely nothing to do with it. Mr. Chairman, I think that Congress ought to pass a statute if it is necessary—though I do not believe that under the Constitution it is necessary—requiring the President, whether he is a Republican President or a Democratic President, to submit his representatives to negotiate treaties to the Senate before they can go forth. [Applause.] If we appoint a third-class postmaster or a second lieutenant or an ensign only after confirmation by the Senate, I submit that issues affecting the future and welfare of the world, such as those passed upon by our five commissioners at Paris, ought to have some preliminary consideration by the Senate of the United States. The Senate should at least have had a voice in the selection of our ministers to negotiate the peace of Paris. [Applause.] Let us see whether it is not a wise time for the Congress to assert its own prerogatives. [Applause.] In war days, gentlemen, this House, regardless of party loyalty, gave unprecedented powers to the President of the United States. I have no fault to find with that course of procedure. I participated in that policy. I approved of that policy. But now the days of peace have come, are we going to continue to give the President every power and gradually subtract from the power which we under the Constitution ought to exert?

I submit that that very issue is linked up in the half dozen words of the committee amendment. It is true that in the past appointments by the President to negotiate treaties have not generally been confirmed by the Senate. On the other hand, it is also true that our delegates to purchase Louisiana, that our delegates to negotiate the Treaty of Ghent, which closed the War of 1812, that our delegates to represent the United States in settling the Alabama claims, were all confirmed by the Senate. And it is also true that President Washington, President Adams, the elder, President Jefferson, President Madison, President John Quincy Adams, and President Grant all thought that it was worth while to have the sanction and approval of the Senate of the United States before they sent men forth to negotiate treaties of peace. Whether or not the right be in the President, I believe a President should welcome, and probably would welcome, the assistance of the Senate. It strengthens his own hands; it makes his position stronger.

Referring to the question of the gentleman from Illinois [Mr. JUUL], I firmly believe that from the President's own standpoint it was one of the most grievous mistakes he ever made not to submit to the Senate the names of the commissioners to negotiate the Paris treaty. [Applause on the Republican side.] I believe that he would have been in an infinitely stronger position if he had done that. I believe that that

treaty would now have been ratified if that procedure had been followed. And so, gentlemen, I am perfectly willing, as I say, to put this question on broad grounds. Let us say to-day that we will not only authorize the holding of an international conference hereafter, but we will also have a voice in this Capitol, if not in this Chamber, as to who shall be the representatives of the United States at that conference.

Mr. CHAIRMAN, I reserve the balance of my time. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts has used 28 minutes and reserves the balance of his hour. The gentleman from Virginia [Mr. FLOOD] is recognized for an hour. [Applause.]

Mr. FLOOD. Mr. Chairman, there are many features of this bill that commend themselves to me. It carries quite a large appropriation for a matter of this kind, but as Republicans are in the habit of making large appropriations, I do not know that an attempt should be made to amend it in that particular, as such an attempt could not succeed in this House.

There are many features of this bill that will commend themselves to the consideration of those interested in the future progress and development of this country. The bill as introduced by the gentleman from Massachusetts [Mr. ROGERS] contains all those features. I do not think the bill itself is sufficiently well drawn to carry out the ideas and purpose that the bill aims at, and I believe if the bill does pass without some additional amendments other than those put upon it by the Committee on Foreign Affairs the appropriation will fail to carry out the purposes which the State Department has in view.

But I think, Mr. Chairman, that this bill is obnoxious to every fair-minded American, whatever be his politics, by reason of the amendment which the committee put in it. That amendment is a requirement that the President shall appoint delegates to this international conference only by and with the advice and consent of the Senate. It is unusual. It will result in no good purpose; no good can come from it. It springs from nothing but partisan politics. [Applause on the Democratic side.] It violates the Constitution, which Members of this House are sworn to uphold and maintain.

Mr. KNUTSON. What particular section?

Mr. FLOOD. I will tell you after a while if you will wait. There is lots in the Constitution you never dreamed of.

But the gentleman from Massachusetts [Mr. ROGERS], in answer to my question, or in attempting to answer it, evaded the real issue. I asked him if he could put his fingers upon an instance where the laws of Congress had required the President to submit, for the advice and consent of the Senate, the names of the gentlemen he had appointed to conferences of this kind. He could not do it, and he can not do it, because in all the history of this Congress, from its first organization down to this time, it has never attempted to that extent to invade the prerogative of the Executive. [Applause on the Democratic side.]

The gentleman says there are precedents for this. I say there are no precedents for it. This is an act of Congress requiring the President, if it goes through, to submit his nominations to the Senate. Presidents in the past have done so and they have not done so; they have acted according to their judgment, according to their wishes in the matter, and without compulsion or attempted compulsion on the part of Congress. Can not gentlemen see the distinction? Washington named some commissioners and sent their names to the Senate for confirmation, but he named numbers and numbers of commissioners whose names he did not send to the Senate for confirmation. [Applause on the Democratic side.]

Mr. KNUTSON. Will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. KNUTSON. I wish to ask the gentleman if peace commissions had ever been appointed prior to this last one without having been confirmed by the Senate?

Mr. FLOOD. I see there is something besides the Constitution the gentleman does not know. In only one instance in the history of this country has a peace commission been sent to the Senate for confirmation by that body. [Applause on the Democratic side.] In every other single instance our commissioners appointed to negotiate peace after war have been appointed by the President without the advice and consent of the Senate.

I suppose that President McKinley and his course and his judgment and his patriotism would appeal to the majority whip. He appointed a peace commission to negotiate peace between this country and Spain in 1898, and he did not send it to the Senate for confirmation. [Applause on the Democratic side.] In 1848, when we negotiated peace with Mexico, the names of the peace commissioners were not sent to the Senate for confirmation. Only in one instance were the names of com-

missioners to negotiate peace treaties sent to the Senate for confirmation; President Madison did send the names of his commissioners appointed to the Ghent peace conference to the Senate for confirmation. But that is the only time, and it simply demonstrates the point that I was making—that the Constitution has left this matter with the President.

If the President, as the gentleman from Massachusetts [Mr. ROGERS] says, would welcome the advice of the Senate, the President can get it by sending the names of his appointees to the Senate for their advice and consent. But there never has been a case in the history of this Government in which Congress has undertaken by law to require the President to send the names of such appointees to the Senate for confirmation or rejection.

Mr. ROGERS. The Constitution requires it, as I explained.

Mr. FLOOD. The gentleman knows that the constitutional idea he advanced here has been exploded in this country for nearly a hundred years. [Applause on the Democratic side.] The gentleman knows he would not ordinarily undertake to maintain such a proposition, and he knows that the Constitution of the United States vests executive functions in the President, and he exercises all of them without restriction except where the Constitution itself restrains him. The Constitution vests in the President absolutely the uncontrolled and uncontrollable authority to appoint all agents of every kind to deal with our international relations, except that ambassadors, public ministers, and consuls must be appointed by and with the advice and consent of the Senate. No one will contend that the delegates to the international conference which this bill provides for are either ambassadors, public ministers, or consuls, and therefore no one should contend for a power in Congress to control his discretion in the naming of such delegates. [Applause on the Democratic side.]

The Constitution requires the President to submit treaties to the Senate, which are ratified by a vote of two-thirds of the Senate. It requires the President, in dealing with our foreign relations, to submit to the Senate for their confirmation the nominations of ambassadors, public ministers, and consuls; and outside of that the President's power over our international relations is uncontrolled and uncontrollable by any other body in this Government.

I believe the gentleman from Pennsylvania [Mr. TEMPLE], a distinguished member of this committee, a distinguished professor on political science, will agree with me about that. The gentleman from Massachusetts [Mr. ROGERS] attempts to compare these delegates with third and second and first class postmasters. The Constitution requires the nomination of an officer to be submitted to the Senate unless the law declares them minor officers and stipulates that they need not be so submitted. But these delegates are not officers. Since the foundation of the Government there have been over 600 sets of such delegates appointed, and no one has ever suggested that they were officers in the meaning of Article II, section 2, of the Constitution. No one has been found willing to stand for such a proposition until it was advanced here to-day. So it must be clear to Members that there is absolutely no constitutional authority justifying this amendment.

Now, let us see about the precedent that the gentleman from Massachusetts [Mr. ROGERS] has referred to. Some of the Presidents have sent the names of commissioners to the Senate for ratification. Many of them did it, but very many more did not. There have been in the history of this country 35 instances in which these nominations for appointment have been sent by Presidents to the Senate for confirmation. There have been between 500 and 600 cases in which the appointments have been made without reference to the Senate.

Mr. JUUL. Mr. Chairman, will the gentleman yield briefly?

Mr. FLOOD. Yes; very briefly.

Mr. JUUL. I want to ask the gentleman if it is not his opinion that it would have been for the best interests of this country if the legislative branch of the Government and the President had worked more closely together than has been the case for the past couple of years?

Mr. FLOOD. I do not agree with the gentleman that the legislative and executive branches of this Government have not acted together in the last couple of years, at least prior to May 19 last. It may have been if the President had flattered the vanity of some of the Republican Senators [applause on the Democratic side] by putting them upon the peace commission that treaty which the world desires and which America desires would have been ratified before now. [Applause on the Democratic side.]

But I say you are doing a thing that is partisan, and nothing but partisan. It has no other purpose. It can accomplish no

good. It violates the Constitution, and it is simply an affront, and not a dignified and brave affront, to the great President of the United States. [Applause on the Democratic side.]

I do not believe the Senate will for a moment think of voting this measure through. But to get back to what the gentleman from Massachusetts [Mr. ROGERS] called precedents. All the Presidents who sent appointments to the Senate for confirmation have also made appointments without confirmation. Washington did it, Adams did it, Jefferson did it, Madison did it, Monroe did it, the younger Adams did it in 22 cases, and never sent but one to the Senate for its approval.

But I will name some later Presidents whose actions and whose patriotism may appeal more strongly to gentlemen on the other side of the House than the great fathers of the Republic do. The immortal Lincoln during his term of office appointed 18 such commissions. Not a single one was sent to the Senate for ratification. Surely gentlemen on that side will not by their votes condemn a practice that Lincoln approved. Grant, the great general who won the War between the States, and whose memory is honored by the people I represent, because in the hour of victory he acted like a soldier and a man, appointed 55 such commissions and did not send the names of the delegates on a single one of these commissions to the Senate. [Applause.]

The gentleman from Massachusetts [Mr. ROGERS] says the appointments of the American commissioners in the Alabama arbitration case were sent to the Senate for ratification. The gentleman is mistaken. The names of the representatives who negotiated for us in the Alabama case were not sent to the Senate for confirmation. Hayes sent but two, Garfield none, Arthur one or two, Harrison one or two, and McKinley—ah, the gentleman from Illinois [Mr. JUVIL] says it would have been better if the President of the United States had let the Senate pass upon the nomination of his peace commissioners—McKinley did not do it; and what is more, out of a great number of appointments of commissioners to make treaties and to attend just such conferences as this, McKinley never referred a single one to the Senate. [Applause on the Democratic side.]

Mr. MASON. Mr. Chairman, if the gentleman will yield just a moment for an interruption—

Mr. FLOOD. No; I can not yield just a moment. Let the gentleman get time from the gentleman from Massachusetts [Mr. ROGERS].

Mr. MASON. It was just a question. I will get time from Mr. ROGERS.

Mr. FLOOD. Oh, they say they want to get the President closer to Congress. They want to hold the big stick over the President. President Roosevelt made a great number of these appointments and never sent a single one of them to the Senate. [Applause on the Democratic side.] Taft did the same thing. He appointed my friend from Virginia [Mr. MONTAGUE] to two South American conferences of great importance. He never sent any of them to the Senate, and not since the year 1891 has a single one of the appointments by Presidents of the United States to positions of this kind been sent to the Senate for confirmation.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOOD. I will.

Mr. GOOD. I have just been looking over the gentleman's report. I do not claim to have very much information in regard to the subject, and that is the reason why I want to ask the gentleman a question.

Mr. FLOOD. Yes.

Mr. GOOD. I notice on page 6 of the report the gentleman states that John Jay and Thomas Pinkney and Rufus King and John Quincy Adams and C. C. Pinkney and John Marshall and James Monroe and Robert R. Livingston and Albert Gallatin and many others were appointed by the United States to conduct negotiations between 1789 and 1888, and those that I have named, with a number of others, were confirmed by the Senate.

Mr. FLOOD. Yes.

Mr. GOOD. Why was that?

Mr. FLOOD. That was because, for some reason satisfactory to himself, the President saw fit to send those names to the Senate. In some instances they characterized them by names to indicate that they were public ministers, and sometimes not; but in every instance every President who sent appointments to the Senate also named commissioners without sending them to the Senate. [Applause on the Democratic side.] Not a single President from Washington down to Wilson has ever failed to do that.

Mr. GOOD. Can the gentleman inform the House why a distinction was made in some cases?

Mr. FLOOD. I say it was simply the wish of the President, thinking he would accomplish something by that method. There is no compulsion of law; there is no compulsion of the Constitution. There can be no compulsion by statute. It was simply the voluntary act of the President.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. CANNON. I merely wanted to ask the gentleman a question. I was not here when the gentleman who preceded him [Mr. ROGERS] spoke, and the gentleman was talking when I came in.

If I understand him aright—and that is the only question I want to ask—there are precedents both ways, but the gentleman says that the weight of precedent is with his contention.

Mr. FLOOD. No, sir; I do not say that. I say there is absolutely no precedent for this amendment; that there is no case where by act of Congress, such as this would be, the President has been required to send to the Senate for confirmation the names of delegates who should deal with international relations. I say there have been a number of cases where the President of his own volition has sent such names to the Senate, but a vastly greater number of cases where he did not do it.

Mr. CANNON. They are both ways.

Mr. FLOOD. The President can do it. He can do it now if he wants to. He can do it in this case if he wants to, but there is no precedent for Congress requiring him to do it. It seems to me that ought to be plain. There have been 35 cases where Presidents have sent such names to the Senate for confirmation, but in nearly 600 cases they have not done it.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied 38 minutes.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. No; I can not yield. I have not the time. I hope there will be enough members in this committee who will vote down this proposition, to enable us to take it up and pass the bill upon its merits. I can see nothing but partisanship in this proposition.

If we want to establish a policy, let us bring in a law to fix it for all such cases and not one particular case as an insult to the President. If you undertake to pass a general law applicable to all cases, you will show your faith in your constitutional power and your sincerity and courage, but tacking this amendment on here is partisan politics. I believe in partisanship. I believe in the virile kind of partisanship of ex-Speaker CLARK and ex-Speaker CANNON, who will do everything in their power honorably and justly, in this House and out of it, to place the men and measures of their political faith in control of this Government. [Applause.] I believe in the partisanship of the Speaker of this House, who always sympathizes with members of his party, but who always decides questions raised here fairly and honestly and without reference to party advantage. [Applause.] It has been partisans who in all ages of the world, in every field of human progress, have led the way. Wherever conflicts of opinion have determined the thoughts and actions of men there the well-equipped partisan has been the guiding power and controlling force for good; but our international affairs are no place for even wholesome partisanship. In these affairs Americans should stand together. During the war this House did not indulge in partisanship. In the trying days of reconstruction let us follow a similar rule, and it will be for the good and the glory of the country. [Applause.] I appeal to gentlemen on that side not to vote for this amendment simply because it was reported by a Republican committee. You can point out no purpose except a discourtesy to our great President. He is a great President, self-poised and courageous, honest and able, brilliant and patriotic in guarding every interest of America and of humanity; he has won his way into the hearts of the people not only of this country, but of the entire world [applause], and to-day everywhere he is looked upon as the foremost man and the wisest statesman of his day and generation. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. FLOOD. I reserve the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON took the chair as Speaker pro tempore.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2716. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 333. An act providing for the disinterment and removal of the remains of the infant child Norman Lee Molzahn from the temporary burial site in the District of Columbia to a permanent burial place;

H. R. 5007. An act granting citizenship to certain Indians;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 753. An act for the relief of Susie Currier.

The message also announced that the Senate had passed with amendments the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior years, and for other purposes, in which the concurrence of the House of Representatives was requested.

CONFERENCE ON INTERNATIONAL COMMUNICATION.

The committee resumed its session.

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MASON]. [Applause.]

Mr. MASON. Mr. Chairman, I did not intend to take any part in this discussion, although I voted for the amendment. I rose simply to explain what my distinguished colleague on the committee [Mr. Flood] seemed to think a very material thing, that President McKinley did not send the names of the Spanish War peace commissioners to the Senate for ratification. I happened to be a Member of the Senate at that time, before I was promoted to this House, and I happen to know something about what was done at that time, and I assume that other Presidents acted in the same way. It will be remembered that President McKinley appointed men who under the rules of the Senate would need no confirmation. There is a rule there which covers that. The President of the United States appointed Mr. Frye, of Maine; Cushman K. Davis, who, as I remember, was chairman of the Committee on Foreign Relations of the Senate; and Senator, now Justice, Gray, of Delaware, a Democrat. Every man in the Senate knew who was to be appointed, and every man, under the rules of the Senate, would naturally vote for his confirmation. In other words, while President McKinley did not ask for the consent, he did ask for the advice of the Senate.

I call the attention of the gentleman from Virginia [Mr. Flood] to the fact that on the 4th of March, 1913, in the last act signed by President Taft, when this desire of the Executive to usurp the power of Congress had been growing so much, Congress demanded that hereafter in the appointment of these commissions it should be done only by authority of law. That is the only reason this bill is here, because we are giving authority of law. We are asking to have these men confirmed by the Senate. Just think of it. They are to lay the foundation for a treaty which involves a course of conduct not only between the Allies of the Entente, but eventually to make a treaty for all of these great powers.

Is it not fair that the legislative branch should be consulted? You say it is without a precedent. Even if it is, the gentleman at the White House is also without a precedent. He is the only President who ever appointed himself on a commission. He is the only man who ever assumed to act for himself on a commission. He is the only man who ever appointed himself on a peace commission and turned down the legislative branch and turned down every other branch of Government and every man of every political faith who did not agree with him in the conference at Paris. It is printed in the record that when the question came up and it was proposed that the parliaments of the several countries, including Great Britain and all the Allies, as well as our own Congress, should be consulted and have something to say about the appointment of the delegates to the assembly and to the council of the league of nations, the President of the United States opposed it, leaving it entirely for the Crowns and the President to make those appointments, and his opposition defeated the right of the legislative branch of the Governments to be consulted, although two members of the commission spoke openly in favor of it. In other words, new conditions impose new duties, and the new condition here is that you have a gentleman in the White House who assumes to act entirely without precedent, just as he has acted in the peace commission; and we are simply saying now that in the selection of these commissioners who are to go out and formulate great political plans and policies of the Government of the United States, involving not only our own country but every other country, the bureau which passes up these names to the President shall have their action reviewed by the Senate of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. ROGERS. I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman and fellow members of the committee, in considering this bill I am not troubled about the constitutional question that has been raised and which was so ably argued by the gentleman from Virginia [Mr. Flood]. If this were the negotiation of a treaty, there would be great force in the position which he has stated, but as I have read this bill it is a bill intended to gather information upon great subjects, which information may become the basis upon which a treaty may be negotiated. There is not a word in this bill providing for this conference as to the making of a treaty. But we are confronted at this day with great and grave questions as to communication through the air and through the sea, and how they shall be regulated to best promote the interests of all nations.

Surely the Congress of the United States may by an act provide a commission that will gather this information, which will become a basis upon which treaties may be negotiated by the President in the appointment of commissioners for that purpose. Read the first section of the act, it is very short:

That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint, by and with the advice and consent of the Senate, representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

Wherein is a single prerogative of the President of the United States invaded by the enactment of that law? Has not Congress the right to gather information in whatever manner it may choose to exercise its power? Is not the subject a big enough one and sufficiently pressing at this time to cause Congress to act and call attention to this subject and ask the President to do what? Why, request the President—most respectfully done—authorize the President—most respectfully worded—in his discretion, to convene this conference in Washington for the purpose of considering this great measure. Surely no man can say that any constitutional right or prerogative is invaded by the adoption of such a law as this. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman and gentlemen of the committee, the point to which attention has been so forcibly called by my colleague from Pennsylvania [Mr. GRAHAM] is one that is well worthy of our consideration. This conference is either for the preparation of material on which to base a treaty or it is not. If it has nothing to do with international affairs or with the preparation of a treaty, it has something to do with the internal affairs. Of course, however, no one will seriously contend that it has nothing to do with international affairs. Its sole purpose is to consider international communication, whether by wireless, submarine cable, or otherwise, and involving perhaps the use of land telegraphs wholly within the jurisdiction of one Government if they are used in connection with international communication by wireless or cable.

Congress passed a law in 1913 which provided that the Executive shall not extend or accept any invitation to participate in any international conference or congress without first having specific authority of law to do so.

Mr. RAMSEYER. Will the gentleman yield?

Mr. TEMPLE. For a question.

Mr. RAMSEYER. Before that law was passed the President could appoint commissioners of any kind.

Mr. TEMPLE. Presidents had been doing so.

Mr. RAMSEYER. Can the gentleman give the reason why that law was passed, why the President's power was curtailed?

Mr. TEMPLE. One of the reasons was that frequently such conferences or congresses were called, and if they were to meet in this country the question arose whether it was not our duty to incur some expense in hospitably entertaining the foreign delegates who accepted the invitation, and also, in sending our own representatives abroad, whether we ought not to pay their expenses or salaries. So it did happen sometimes that invitations extended without authority pretty nearly required Congress to pass appropriations. That was all done previous to the administration of the man who is now President. March 4, 1913, was the day he came in. It was the experience of Congress previous to that time, not in any one administration or in two but in many, that suggested the idea of having Congress assume the authority for such conventions before they were called.

Mr. WELTY. Would it interrupt the gentleman if I asked him a question?

Mr. TEMPLE. No; I will yield to the gentleman.

Mr. WELTY. Did Congress ever have reason to protest against any appointments of delegates to conferences made by a President other than the fact that expenses were incurred?

Mr. TEMPLE. I have not in mind every case that happened. There were several hundred appointments made. But I do know that the question had arisen whether the President had the right to make such appointments without sending the names of the appointees to the Senate for confirmation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROGERS. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. TEMPLE. The President has recognized the authority of Congress to place this restriction on the calling of these conventions. The Secretary of State called the attention of the President to the law, which, of course, the President knew very well, on September 4, 1919, as follows:

The PRESIDENT:

During the course of the discussions in the council of five, regarding the disposition to be made of German cables, the following agreement was reached:

"The principal and allied and associated powers shall as soon as possible arrange for the convoking of an international congress to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy, and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis."

I learn that the four principal Allies, namely, Great Britain, France, Italy, and Japan, have accepted, in principle, the suggestion to meet in Washington during October next, or at such later date as may be convenient to them, for the purpose of making a study of the entire communications problem in all its aspects, which would include a consideration of the broader activities of the international telegraph and radiotelegraph unions of the interallied radio commission. I am convinced that the proposed conference offers a rare opportunity not only to provide the entire world with adequate facilities of this nature on a fair and equitable basis, but to promote world peace, mutual understanding and fellowship arising from a communications system free from special privileges and placing each part of the world in immediate contact with every other part.

The Executive being prohibited by a provision of the deficiency act approved March 4, 1913, from extending an invitation of this nature without specific authority of law, I have the honor to request that, should you approve, this matter be laid before Congress for its decision as to whether it will authorize the extension of the formal invitation and will provide the appropriation of \$75,000, which it is thought will be required for United States representation in this international conference.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,

Washington, September 4, 1919.

On September 10, 1919, the President sent the following communication to Congress:

To the Senate and House of Representatives:

In view of the provision contained in the deficiency act approved March 4, 1913, that "hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so," I transmit herewith for the consideration of Congress and for its determination whether it will authorize the extension of the invitation, and the appropriation necessary to defray the expenses incident thereto, a report from the Secretary of State with reference to the proposed international conference to be held in Washington during October next, or at such later date as may be convenient to the powers concerned, to consider all international aspects of communication by land telegraphs, cables, and wireless telegraphy and to make recommendations to the powers concerned with a view to providing the entire world with adequate facilities of this nature on a fair and equitable basis.

WOODROW WILSON.

THE WHITE HOUSE,

September 10, 1919.

The President in this letter to the House and Senate asked for the passage of this act.

If we have the right to pass the act, we have the right to refuse to pass it. No man is bound to vote "aye"; he may vote "nay." If we have the right to vote to grant or deny the President's request, then we have the right to put conditions on the granting of that request, whether it has ever been done before or not.

Passing from that point, the question arises as to the authority of the President to appoint persons who are to negotiate treaties or to do work which may be preliminary to the negotiating of treaties. It is true that the minority report as well as the majority report recognizes that there are precedents on both sides of that question.

I think everyone who has examined the matter knows that far more representatives of the United States have been appointed by the President without confirmation by the Senate than have been sent to the Senate for confirmation. That is unquestionably true. Previous to 1815 the opposite was the truth. More had been sent to the Senate for confirmation than had been appointed without the confirmation of the Senate. But in 1815 precedent seemed to strike off in a new direction, but even since that time there have been instances, particularly in 1871, when President Grant sent to the Senate for confirmation the names of our representatives who negotiated the treaty

by which the Alabama claims were settled. Also in 1880 President Hayes sent to the Senate for confirmation the names of the plenipotentiaries whom he wished to appoint to negotiate a treaty with China. I wish to call particular attention to a very interesting evidence of controversy between the Senate and the President on the point now under discussion. This controversy occurred when a Republican President was in office. It arose in connection with the treaty of May 22, 1882, between the United States of America and Korea. The treaty was ratified and several reservations were written into the ratifying resolution. The ratifying resolution was adopted January 9, 1883, and contains the following:

Resolved further, That the Senate in advising and consenting to the treaty mentioned in the foregoing resolutions does not admit or acquiesce in any right or constitutional power in the President to authorize or empower any person to negotiate treaties or carry on diplomatic negotiations with any foreign power, unless such person shall have been appointed for such purpose, or clothed with such power, by and with the advice and consent of the Senate, except in the case of the Secretary of State or diplomatic officer appointed by the President to fill a vacancy occurring during the recess of the Senate, and it makes the declaration in order that the means employed in the negotiation of said treaty be not drawn into precedent.

Mr. FLOOD. What is the date of that?

Mr. TEMPLE. May 22, 1882, the treaty between the United States and Korea. It is a very interesting precedent, and it seems to me is exactly in point.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. LINTHICUM. The gentleman from Virginia [Mr. Flood] says that there has never been an act passed by which the President was required to have these appointments confirmed by the Senate. It has been done in certain instances, but he has never been required to do it by Congress.

Mr. TEMPLE. No act of this kind was ever passed previous to March 4, 1913, because there was no provision of law forbidding the President to call such conferences without the consent of Congress. Since March 4, 1913, a few such acts have been passed authorizing the President to call such conferences, and I believe the gentleman is right when he says that no precedents exist for this particular act; but we have not had much opportunity for precedents. We are still in the formative stage, making precedents. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, the bill before us, H. R. 9822, introduced by Mr. ROGERS, to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communications, is a most important bill. It is one which should redound to the benefit of our Government by giving them more adequate use and control over the cables to the various countries, and their connecting land wires.

From this conference should come, and I believe will come, recommendations which will be embodied in an agreement by which the United States will receive equal benefits. It is a conference which should lead to the establishment of quicker, more direct, and economical communications from the various sections of our country to the cities of the world. It will, no doubt, be attended by experts, men who are highly qualified in telegraph and radio matters, and whose work will be of inestimable benefit to the entire service.

They are to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and make recommendations. This very expression informs us of the magnitude of their undertaking and of the wonderful benefits which should be derived therefrom. It places the nations of the world upon an equal basis in these connections, and will give each equal facilities.

I mention these facts to show you the importance of the measure and why it should not be subject to division among the Members of this House, and particularly among the members of the Foreign Affairs Committee. The amendment inserting "by and with the advice and consent of the Senate," which is proposed to the bill, introduces into what should be purely a business matter politics foreign entirely to the bill, and should not be considered for one moment by this House.

I rise particularly to deplore the fact that the Foreign Affairs Committee, which during my membership thereof for the past nine years, under the administrations of President Taft and of President Wilson, has always eschewed politics in its deliberations, that we should at this time endeavor to reflect upon the appointing power of the Nation in these matters, when we are just emerging from the greatest war which the world has ever known. It is bad enough to consider matters from a political standpoint upon the floor of this House when it is essential to do so or beneficial to the respective political parties

to do so, but the voters will not approve of it in international matters, and it will prove a boomerang to you Republicans.

It is highly undesirable and dangerous to legislation, a reflection upon the administration, and a check to that international progress which we should make when all the world is more or less unsettled. The people are awaiting the establishment of business relations so that they may again proceed with their usual avocations and that commerce and business may again attain its normal condition and progress and prosperity prevail.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. LINTHICUM. Yes.

Mr. RAMSEYER. Talking about politics, was it not politics to curtail the right of the President to participate in conferences of this kind without authorization from Congress? If this is politics, was not the act of March 4, 1913, much more politics, when you had a Democratic Congress which passed that act?

Mr. LINTHICUM. The gentleman from Pennsylvania [Mr. TEMPLE] has told you just why that act was passed. The act was passed because certain commissions had been appointed, not by this administration, because this administration came in only at that time, but by previous administrations, and no provision had been made for the expenses of these appointees. Therefore Congress, as a good host, felt, even though appropriations had not been made for them, it should take care of the expense.

Mr. FLOOD. That was simply a warning by Congress that they would not make appropriations unless this was done.

Mr. RAMSEYER. The Presidents before that time had abused that power by calling this sort of conferences.

Mr. LINTHICUM. I do not agree with the gentleman. I think the reason was just as I have told you: That while Congress had not provided for these commissions, yet they had been appointed, and people coming from foreign countries at the invitation of this country felt that certain of their expenses should be paid. Therefore the Congress thought that it would be best to legislate that no appointments should be made without the consent of Congress and thus correct these misunderstandings.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BEE. These men who are appointed on these commissions are not charged with any governmental responsibility? It is merely a complimentary and courtesy appointment by one Government to another?

Mr. LINTHICUM. Certainly; to talk over these matters and bring in experts and to advise with them and make ready for a treaty upon the subject.

Mr. BEE. But when they are appointed by and with the consent and advice of the Senate they are Government officers; at least, they were before this sort of measure was introduced.

Mr. LINTHICUM. No; they do not become Government officers, though that requirement would naturally lead one to suppose so.

The people of this country are growing very tired, indeed, of the manufacture of campaign material. They want this Congress to proceed with legislation beneficial to business and leading as quickly as possible to the wonderful advantages which our country can procure when once again settled down to its usual routine. While our allies are proceeding with the establishment of business relations with our opponents and their agents are spreading throughout those countries establishing business connections, here in America we have been squabbling for so these many months over the question of ratification of the treaty. What the people want is action. They are demanding less politics and more speed.

Throughout this broad land of ours there is unrest, unsettled conditions; money interests, business interests, and labor interests are wondering when we shall again reach a peaceful basis in fact as well as in law. Here in this House upon the least provocation you intrude political questions. You take a political view of matters which should be dealt with solely from a business and reconstruction standpoint. You delay action by long debates upon questions of which the people are well informed while the conditions of the country demand action.

I remember distinctly when the Speaker of this House argued that the President should call an extra session of Congress by April 1 for the solution of weighty problems upon which will depend our industrial prosperity. He is from an industrial section and knew whereof he spoke. He said the factories of the United States are halting because of the uncertainty of the future and to revive that condition would be the first task of the new Congress. He said, "I believe it will be done with wis-

dom and fearlessness and that its results will command the approval and confidence of the American people." Our floor leader, Mr. MONDELL, announced on March 4 that the Republicans were ready for the extra session; that appropriations would first be taken up; then would come railroad and shipping legislation; that water power, coal, and oil leasing, and a variety of other measures for the industrial life of the Nation would be enacted.

I ask you to-day, Where, oh, where is this railroad legislation upon which the President asked action by Congress about a year ago? Where are those measures which were to be made with "wisdom and fearlessness and receive the commendation of the American people"? Where is the shipping legislation or the water power, coal, and oil leasing bills? We have spent a very considerable time upon investigations of this, that, and the other; what benefit has been derived from it except to establish in the minds of the American people that through the lavish expenditure of money and the forcing of war work we reached Europe in time with two millions of men to save the war for the Allies?

The budget bill has just been passed, when it could easily have been done early in the extra session, and, before this, been passed by the Senate and approved by the President, thereby giving us its benefits for the next fiscal year.

The food-control bill asked for months ago was passed finally and went to the President only 10 days ago, weeks after it should have reached him, and assisted in the relief of the high-cost conditions of food products.

It was only by the presidential veto that enough funds were obtained for the vocational training and education of disabled soldiers and sailors because of the curtailment by the Republicans.

And thus it is ever delay and politics by the majority in this House because of your antagonism to the President, who is acclaimed by the world one of the greatest men of the world to-day.

I say these things, Mr. Speaker, to show you and to demonstrate the fact that Congress has abundance of work to perform, both in the House and Senate; that the Senate is overcrowded and will find it difficult to take on further operations. To add to the political harangue of this House and additional work to the Senate, it is proposed by the Committee on Foreign Affairs that we shall, by the amendment submitted, direct that the appointment of the members of this international conference should be ratified by the Senate. The appointment of such commissioners has almost universally been left to the Executive, where the Constitution vested it. Never in the history of our country has a Congress demanded that appointments of this nature first receive the sanction of the Senate. Presidents have in some instances voluntarily submitted them to the Senate, but never has Congress required it to be done.

It has been well said that the common practice has been to make such appointments without the advice and consent of the Senate. Of the 438 appointments of this nature, and usually of greater importance and of far more reaching effect upon the destinies of the Nation, 3 have been appointed by the Secretary of State, 32 have been appointed by the President with the advice and consent of the Senate, and the remainder have been appointed solely by the President.

For 53 years, from 1827 to 1880, the President did not ask consent of the Senate to any such appointments, and since that time it has been quite the practice for the President to make these appointments without consulting the Senate.

James Monroe and William Pinckney, men who stand out in the history of the country, were appointed in 1806 without consent of the Senate to settle all matters between the United States and Great Britain.

John Quincy Adams was appointed by the President in 1820 to conclude with Spain treaty of concession, navigation, commerce, and settlement between the two countries.

In 1821 he was appointed for the same purpose by the President to deal with France.

In 1823 High Nelson was appointed to conclude a treaty with Spain without advice of the Senate.

Henry Clay was appointed in 1825 to conclude a treaty with the Central Republics of America on commerce and navigation by the President.

In 1826 Albert Gallatin was appointed by the President to conclude treaty with Great Britain relative to commerce and boundaries.

In 1827 Henry Clay was appointed by the President to conclude a treaty with the Hanseatic Republics, and again in 1828 to conclude treaty of peace and friendship with Prussia.

In 1828 William Henry Harrison was appointed by the President to conclude treaty of commerce and claims with Colombia.

In 1829 Louis McLane, of Maryland, was appointed by the President to conclude treaty of commerce and navigation with Great Britain.

In 1830 John Randolph, of Roanoke, was appointed by the President to conclude treaty with Russia relative to maritime, war, neutrality, and commerce.

In 1831 Martin Van Buren was appointed by the President to conclude treaty with Great Britain.

In 1836 Louis Cass was appointed by the President to conclude a treaty of commerce with France.

In 1842 Washington Irving was appointed by the President to conclude treaty of commerce and navigation with Spain.

In 1842 Daniel Webster was appointed by the President to conclude treaty of peace, friendship, and commerce with Texas, and likewise in the same year to conclude treaty between United States and Great Britain.

In 1844 John C. Calhoun was appointed by the President to conclude treaty for the annexation of Texas.

In 1853 Edward Everett was appointed by the President to conclude copyright conventions with Great Britain and France.

In 1853 James Gadsden was appointed by the President to conclude extradition treaty with Mexico.

In 1854 August Belmont was appointed by the President to conclude a consular convention with the Netherlands.

In 1861 William H. Seward was appointed by the President to conclude an additional article relative to the desertion of seamen with Denmark. He was again appointed in 1867 to conclude a claims convention with Prussia, and in the same year to conclude a treaty with Russia for cession of territory.

Hamilton Fish was appointed in 1869 by the President to conclude a trade-marks convention with France, and in the same year to extend the ratification of the treaty with Denmark.

In 1870 Daniel E. Sickles was appointed by the President to conclude a claims convention with Spain.

In 1883 Gen. Grant and Trescott were appointed to conclude a treaty of commerce with Mexico, and in 1884 John W. Foster to conclude a treaty of commerce with Spain.

In 1885 Thomas F. Bayard was appointed to conclude an additional article to the convention with Mexico, and again in 1887 to conclude an extradition treaty with Russia.

I merely mention the names of these particular gentlemen as having been appointed by the President without the advice and consent of the Senate, because they are well known by Members of this House and the people of our country, and for the further purpose to show that the matters with which they were to deal were of vast importance and yet were not referred to the Senate for approval.

Since 1887 there have been only three occasions when they were submitted to the Senate, namely:

First international conference on American States. Act of May 4, 1888. (The second, third, and fourth were appointed without the advice and consent of the Senate.)

Conference on Samoan Islands—Berlin. (Convention of Mar. 1, 1889.)

Commission for establishment of international coin or coins. (Commission appointed Jan. 24, 1891.)

Since 1891 there have been no confirmations by the Senate and no question has been asked or raised.

It is manifest, therefore, that it is not only useless but against the general practice—almost the universal practice—not to submit to the Senate, and never by legislation required to be confirmed by the Senate. The public can not but believe that it is merely to further harass the President, and to demonstrate to him that you gentlemen on this side of the House—Republicans—are merely playing politics, even in matters of international affairs.

This conference can be of inestimable benefit. It does not apply solely to our country, but to our Allies, and eventually to the other countries as well, and certainly in matters of conventions of the nations we should not inject the politics of our country.

I sincerely hope this House will rise to the occasion and defeat the proposition, not only for now, but to give a warning that though we may play politics somewhat in matters pertaining to ourselves, we will not extend them to international matters. I hope the amendment will be defeated.

Mr. Chairman, I yield back the remainder of my time and ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman yields back one minute. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Chairman, how does the time now stand?

The CHAIRMAN. The gentleman from Massachusetts has 15 minutes remaining.

Mr. ROGERS. How much has the gentleman from Virginia? The CHAIRMAN. The gentleman from Virginia has 26 minutes remaining.

Mr. ROGERS. I suggest that the gentleman from Virginia consume some of his time now. The gentleman has considerable more time unused than I have.

Mr. FLOOD. Mr. Chairman, I yield nine minutes to the gentleman from North Carolina [Mr. STEDMAN]. [Applause.]

Mr. STEDMAN. Mr. Chairman, with my decided convictions I should fail in my duty if I neglected to record my protest against the amendment made to this bill by the majority members of the Committee on Foreign Affairs.

Profoundly impressed with the discourtesy to the Chief Magistrate of the Republic which the amendment carries with it, whether so intended or otherwise, I have endeavored to ascertain in the brief space of time at my disposal what has been the rule and custom as to such appointments. I think there is no doubt whatever that the advice and consent of the Senate is unnecessary. The President can consult the Senate if he chooses, but it is not incumbent on him to do so. These appointments belong exclusively to the President, and to attempt by legislation to deprive the Executive of the power to make them is entirely without justification.

As has already been stated and as appears from the minority reports from 1792 to 1888, the President without the consent and advice of the Senate made 438 appointments of agents to negotiate and conclude conventions, agreements, and treaties. Three such appointments were made by the Secretary of State and 32 were made by the President with the advice and consent of the Senate. For a long period of time no President sought the advice and consent of the Senate in making such appointments.

The appointments provided for in this bill are clearly not of the dignity of those made for the purpose of negotiating treaties, and it is entirely manifest that the consent of the Senate is not required.

Chateaubriand said, "That if the cocked hat and surtout of Napoleon were placed on a stick on the shores of Brest it would cause Europe to run to arms from one end to the other."

It may be said with equal truth that the mention of the name of Woodrow Wilson ever carries terror and affright to many Republicans. Some swear, some curse, some run, and some do all three at the same time. I am at a loss to characterize the sentiment by which they are actuated and controlled. It may be likened to a strange malady or disease which is both contagious and infectious. Many Republican Senators have become its victims. Their long-continued fight upon the league of nations has had a disastrous effect upon the interests of our country. Business enterprises of vast magnitude have been held up and are being paralyzed.

They say this measure, so fraught with importance to the world, is the offspring of the mind of Woodrow Wilson. It would seem that this is the chief reason for their uncompromising hostility to the league of nations. [Applause on the Democratic side.]

I trust that the amendment to this bill was not dictated by partisan malice or a desire to minimize the President of the United States.

However, whether so intended or not, the amendment can be fairly and justly construed as a gross discourtesy to him and an infringement upon his executive rights.

If really intended to detract from his great reputation, it will be a disastrous failure.

It is not my purpose here to-day to deliver a eulogy upon the character of Woodrow Wilson.

The record of his life will be his highest and best eulogy.

The influence of exalted thought, of high and humane conceptions never passes away. The words spoken by Woodrow Wilson and his work in behalf not only of our Republic but of weaker nations throughout the world will be transmitted from age to age to generations yet unborn. [Applause on the Democratic side.]

When the days of party strife have been forgotten, when the fear and jealousy of an illustrious man have perished forever and the events of the epoch in which we live have been recorded by the historian his pages will be enriched by the achievements of Woodrow Wilson, whose name, by the common consent of mankind, will be in the very front rank of those who have preserved civilization for all humanity in the mighty struggle recently brought to an end.

The amendment should be stricken from the bill by the unanimous vote of this House. [Applause.]

Mr. ROGERS. Mr. Chairman, I yield seven minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, a Democratic Congress passed the law, which took effect on the 4th of March, 1913, in which it declared that the policy

of this Government was that the President should not be allowed to hold or even to participate in any international convention without the authorization of Congress.

Mr. FLOOD. Will the gentleman yield?

Mr. BROWNE. Wait until I finish my sentence. The reason for that law, I presume—and I am not criticizing it; I think it is one of the best laws the Democrats at that session of Congress passed—was to curtail to some extent the jurisdiction of the President in calling and participating in these conventions which had for their subject matter the discussion of international rights.

Mr. FLOOD rose.

Mr. BROWNE. Not now. Wait until I finish and I will then yield. The President, under the law, as Secretary Lansing says in his letter found in the majority report, can not call this conference without the consent of Congress. Now, I submit that if he must come before the Congress and get the consent of the Congress that Congress has the right to impose a fair and reasonable condition, which is in this case that the delegates to this very important convention shall be confirmed by the Senate. No one objects to the law compelling the confirmation by the Senate of third-class postmasters and many other officers of this kind.

Now, what good reason is there in this case for not saying to the President that before these delegates to this very important convention shall act their appointments shall be confirmed by the United States Senate? In the minority report our friends argue that they are afraid the legislative branch of the Government is going to usurp the power of the Executive. That has not been the tendency under this administration, certainly, and it never has been the tendency in the history of the world. Legislative bodies do not usurp power. Where you find autocracy you find it concentrated in the hands of one man and not in the hands of the many, and you find in countries that have an autocratic form of government that the ruler usurps practically all of the rights of the legislative body.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. BROWNE. Yes.

Mr. CALDWELL. Does the gentleman think that his statement is borne out by the history of the British Empire?

Mr. BROWNE. Yes; I think that it is.

Mr. CALDWELL. Has not the House of Commons usurped all the functions of the King of England?

Mr. BROWNE. The example which the gentleman cites, of England and the King losing his powers, of course, goes back to the time of King John, when practically all the powers were taken away from the King, not by the House of Commons but by compelling him to sign the Magna Charta, a bill of rights to the people. I hope it will be the same in all these countries that have Kings for rulers. But in any government that pretends to have a legitimate branch elected by the people we find the usurpation always comes from the executive part of the government.

Now, in this case, if the President nominates these men, if they are good representative men they will be confirmed. The 436 precedents quoted in the minority report, where the consent or confirmation of the Senate was not required, all of those cases were in matters of this kind before this law was passed. And to-day, if it was not for the law of March 4, 1913, the President could call this convention and appoint the delegates without coming before Congress and asking permission. But, as I say, by that act of Congress, the act of the 4th of March, 1913, Congress intended to curtail the right of the Executive in calling these conferences, and it certainly has the right, if it has the right to curtail the power of the President in calling the convention, to say whether or not such a convention shall impose reasonable conditions regarding the appointment of delegates. I think this condition that the Senate confirm the appointment of these representatives to this international conference is a very reasonable condition.

Now, I also believe that these delegates appointed to this convention, if they have back of their appointment the other treaty-making branch of the Government, the United States Senate, their position as representatives will be a more dignified one and carry more weight than it would be with just simply the appointment of the Executive alone. I believe if the President instead of having over a thousand people go to Paris, as his advisers, all of his own selection, had called upon the Senate of the United States and allowed it to have been represented at that great conference, we would have had a different proposed league of nations. The President would not have come back with his pocket full of the secret treaties that were promulgated before our entrance into the war as a league covenant, but he would have come back with more of the original 14 points that he had started out with embodied in his league of nations covenant.

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am one Member of this House who is going to vote against this resolution, because I am not willing to vote \$75,000 out of the Treasury to settle a little dispute over our one-fifth interest in a German cable. Our actions, to the country, speak louder than our words. And there is not a day but that from the floor of this House you hear preachments of economy and retrenchment, and yet when it comes to carrying those words into acts we find nothing in the way of retrenchment, nothing in the way of economy, but extravagant expenditure of public money continued. Surely our Department of State, with its diplomatic corps, with its army of employees, with its hosts of experts, could settle this matter in the usual diplomatic way, without the necessity of wasting this \$75,000. Surely our State Department could take these matters of dispute in these questions, which are embraced within the purview of this bill, up with the other countries involved and reach a proper settlement and proper conclusion.

If we had a question involving \$50,000 worth of property, I honestly believe you would find a resolution coming to the floor of this House seeking to appropriate \$100,000 to settle it. And I think the time has come when we must use good judgment. How are we going to spend \$75,000 in this matter and spend it properly? I want to say to this House that if you mean anything by your preachment of economy, let us practice it; and now is the time to begin. I intend at the proper time to offer an amendment to reduce this amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

The CHAIRMAN. The gentleman from Texas is recognized for 18 minutes.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, the acting chairman of the Committee on Foreign Affairs, the gentleman from Massachusetts [Mr. ROGERS], labored very greatly in the remarks which he made to the committee in an endeavor to demonstrate to you how very important it is that the amendment proposed by the committee be adopted because of the very serious and the very grave matters which this conference will be called upon to consider. I call the attention of the committee to the fact that the chairman did not entertain views of that kind when he introduced his bill into the House. If you will look at the bill you will note that, as originally introduced by the gentleman from Massachusetts, it contained no provision whatever seeking to place any limitation upon the power of the President to appoint agents or representatives to represent him in the proposed conference, whether its purpose is to make a treaty with foreign powers or simply to carry on negotiations with foreign governments, with regard to international communication.

Mr. BROWNE. Will the gentleman yield?

Mr. CONNALLY. I will.

Mr. BROWNE. I would like to ask the gentleman if it is not a fact that this bill came from the department and was drawn up in the department?

Mr. CONNALLY. Ask the gentleman from Massachusetts [Mr. ROGERS]. He is the gentleman who introduced the bill. I do not know who gave it to him.

Mr. FLOOD. It came from the department, but not as it is introduced.

Mr. CONNALLY. In other words, the gentleman from Massachusetts [Mr. ROGERS], although he realizes the importance of this matter, did not see fit to put it into this bill until he conferred with somebody on that side of the Chamber, and then all at once they became unduly exercised about the appointments which the President would be called upon to make in case this act should become a law. And the gentleman from Massachusetts, I believe it was—if I am in error, I beg his pardon—stated that in the matter of the treaty which has been concluded between the Allies and Germany in the present war, if the President had submitted the names of the representatives to the peace conference to the Senate for confirmation, the peace treaty would already have been ratified. I am surprised that the gentleman from Massachusetts [Mr. ROGERS], who gives evidence of ability and astuteness, should publicly admit on the floor of this House that the reason to-day why the treaty has not been ratified by the Senate is because a partisan Senate was not allowed to dictate the names of those who should be representatives of the United States at the peace conference in Paris; and the gentleman from Wisconsin [Mr. BROWNE] made a statement a moment ago somewhat to the same effect, that if the President in carrying on his negotiations with Germany and Austria had permitted the Senate, mind you, to name and pick out some distinguished

men to represent the United States at that conference the treaty would have already been ratified.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. BROWNE. Did I not qualify that by saying the President would not have come back with secret treaties in his pocket, but would have come back with the 14 points intact? [Applause on the Republican side.]

Mr. CONNALLY. I grant you that if the President had allowed the Senate or allowed the Republican side of the House to name Will H. Hays, chairman of the Republican national committee [applause on the Democratic side], and had allowed them to select the gentleman from Ohio [Mr. Fess], the chairman of the Republican campaign committee, and Senator POINDEXTER, from Pennsylvania, and the gentleman from Wisconsin [Mr. Knutson], to represent this country at the peace conference at Paris, he would have had the treaty at least supported by the majority of the Senate, which consists of Republicans. [Laughter.]

Now, gentlemen of the House, I want to call the attention of the committee to this fact, that under the Constitution the President of the United States is empowered—

Mr. TEMPLE. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. Not at present.

Mr. TEMPLE. Just to correct a misstatement which the gentleman made. The gentleman said that Senator POINDEXTER was from Pennsylvania. Both Senator POINDEXTER and the State of Pennsylvania would be better satisfied, no doubt, to have the Record made clear on that.

Mr. CONNALLY. I meant Senator PENROSE. I take it that the gentleman from Pennsylvania [Mr. TEMPLE] had hardly any doubt as to whom I had in mind.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. NEWTON of Minnesota. The gentleman mentioned Mr. Knutson as of Wisconsin. He is from Minnesota, and Minnesota is very proud to claim him. [Applause.]

Mr. RANDALL of Wisconsin. I suggest the propriety of substituting the name of Mr. NEWTON for Mr. Knutson. [Laughter.]

Mr. CONNALLY. If you will read Article II, section 2, of the Constitution, a copy of which is contained in the report of the majority, you will find the authority of the President with reference to foreign affairs. I make the assertion, Mr. Chairman and gentlemen of the committee, that in dealing with foreign governments the President of the United States has absolute power either to negotiate treaties or to carry on any other negotiations looking to treaties by virtue of his own right under the Constitution and absolutely apart and separate from the Senate. The only power that the Constitution vests in the Senate of the United States with reference to treaties is that those treaties must be made with and by the advice and consent of the Senate. But so far as the negotiation of a treaty is concerned, the absolute power rests with the President of the United States; not in Woodrow Wilson, but the President of the United States, whoever he may be. The trouble with gentlemen on the Republican side of this Chamber is that they seem to think that Woodrow Wilson is to be President forever, it would seem. [Laughter.]

Mr. WASON. Are you sure he will not? [Laughter.]

Mr. CONNALLY. He will not, in my opinion, again be a candidate. The trouble about the gentlemen is that they can not distinguish the office from the individual who occupies it, and they constantly criticize and berate him for every act of himself or his administration, but when he turns upon them they run quivering to cover. [Laughter on the Democratic side.] I am no idolater of President Wilson; but I admire and respect his great ability and respect the high office which he occupies. The committee amendment is a palpable affront to the President, and such is its intent and design. It was conceived in bitterness.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield for a question?

Mr. CONNALLY. Yes.

Mr. MONTAGUE. Does not the amendment confine it directly to the present President? It is not a general law?

Mr. CONNALLY. No; it is not a general law, I will say to the gentleman.

Mr. MONTAGUE. It is confined to this particular conference, the delegates to which in all probability must be appointed by the present President?

Mr. CONNALLY. If this conference is put into effect at all, it will be by the present President of the United States.

Mr. MONTAGUE. It is probably aimed at the present President's power?

Mr. CONNALLY. That is obvious. The legislation proposed by the committee is simply aimed as a direct thrust at the present President of the United States. It is not a permanent piece of legislation that would refer to all future conferences of this character. It is simply an assertion, "Oh, yes; the President may call the conference, provided, in the face of all precedents, he shall be required to submit all nominations thereto to the Senate."

The gentleman from Pennsylvania [Mr. TEMPLE] admitted a few moments ago on the floor of this House that there is absolutely no precedent whatever for this action by reason of it nowhere ever having been required by law that the President should submit such appointments to the Senate for confirmation. I want to call the attention of the House to some authority which in one day and time had some weight with gentlemen of Republican persuasion. A moment ago I made the assertion that the President in negotiating and initiating treaties was not acting as the agent of the Senate, but acting in his own constitutional right. It is unquestioned.

The Senator from Massachusetts, Senator LODGE, if I have been properly informed, concurs in the view that the President, if he may so desire, in negotiating treaties or carrying on negotiations looking to the ultimate bringing into being of treaties, may personally conduct the negotiations if he sees fit. That proposition will not be denied and can not be successfully denied. If the President can personally conduct negotiations with foreign powers, he may do so through agents of his own choosing. If the Senate has the power to prohibit him, by failure or refusal to confirm his appointees, from performing that function through an agent or agents, he would necessarily be restricted to carrying on those negotiations in person. To require such a course would place a limitation on his power under the Constitution. Senator Spooner, in the Senate of the United States—and, by the way, the shoe was on the other foot then—at the time the Algeciras conference in Spain was under discussion, in setting forth his views of the President's power under the Constitution with reference to this matter, said:

The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty and are well translated by the word "ratification" popularly used in this connection. The President negotiates the treaty, to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. He may vary them from day to day. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment. (CONGRESSIONAL RECORD, July 6, 1906, p. 2125.)

Senator Spooner further said:

From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And, Mr. President, he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or the House or of the Senate and House combined. (Id., p. 2125.)

Mr. President, I do not stop at this moment to cite authorities in support of the proposition that so far as the conduct of our foreign relations is concerned, excluding only the Senate's participation in the making of treaties, the President has the absolute and uncontrolled and uncontrollable authority. (Id., p. 2125.)

Mr. President, it all comes to an entire corroboration by the Senator of the proposition which I made the other day, and which I supposed he had spent some time in attacking, that in the last analysis, so far as the question of constitutional power and constitutional duty is concerned, it is absolutely in the President. He is the sole organ of communication by this Government with foreign governments. At his option he may consult the Senate in advance or he may not. At his option he may send information requested or he may not.

The Senator is mistaken when he says that all there is upon that subject in the Constitution is that line of the sentence which gives the President the power, by and with the advice and consent of the Senate, to make treaties. That is not all there is in the Constitution upon which I rely to sustain the proposition that under our system the President is the sole organ of negotiation and of communication between this country and foreign governments. Under the Confederation the Congress was the sole organ; the Congress negotiated treaties and ratified treaties; the Congress received ambassadors and ministers, and the Congress practically sent ambassadors and ministers.

That was all changed when the Constitution was adopted. (Id., p. 2142.)

Mr. SPOONER. Could the framers of the Constitution any more clearly have made the President the sole organ of communication between this Government and foreign Governments than they did? Of course, the power to receive an ambassador or a foreign minister implies necessarily the power to determine whether the Government or country from which he comes is independent and entitled to send an ambassador or a minister. So the President is authorized to determine, and he must

determine, when he sends an ambassador or a minister to some other country, whether that country is an independent country, a member of the family of nations, entitled to be represented by an ambassador or minister here and entitled to receive an accredited ambassador or minister from this country. When the ambassador or the minister has any communication to make in relation to foreign affairs, he does not make it to the Senate. If it be in the negotiation of a treaty—and most treaties are negotiated here—he has no communication with the Senate. We will not tolerate that ambassadors or ministers or diplomatic agents from other countries shall communicate in any way with the Senate or with the committees of the Senate. (Id., p. 2143.)

There is no possibility of a discussion over the meaning of the word "negotiation." You "negotiate" a contract. Everybody understands what that means. "One of the definitions of the word 'negotiate' is to conclude by bargain, treaty, or agreement" (72 Mass., 423; 22 Ky., Law Reporter, 877; Anderson's Law Dictionary, 706). You negotiate a treaty. That is easily understood. Now, what has the Senate to do with the negotiations of a treaty, including the drafting of a treaty?

It would be nonsense, Mr. President, to talk of the President negotiating a treaty and yet of his not having the absolute power to reduce to writing the terms agreed upon at the end of his negotiation. He must have something to lay before the Senate. Is the signing of the treaty a matter that the Senate has anything to do with? Until the President is through the Senate's function does not begin. (Id., p. 2143.)

But I have a few sentences here from Mr. Jefferson. I do not know whether it will be any "light" to the Senator from South Carolina, but in Mr. Jefferson's Opinion on the Powers of the Senate, a very celebrated document, which he gave at the request of the President, this language was used:

"The transaction of business with foreign nations is executive altogether."

I will read that again:

"The transaction of business," that covers the negotiation of treaties. I should suppose, "the transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are especially submitted to the Senate. Exceptions are to be construed strictly." (Id., p. 2145.)

Senator Spooner was regarded as one of the ablest exponents of the Constitution of Republican faith who ever sat in the Senate in recent times.

Mr. MONTAGUE. Does not the gentleman from Texas also know that the distinguished Senator from Massachusetts [Mr. LODGE] has concurred most heartily in the exposition of the Constitution as given by Senator Spooner?

Mr. CONNALLY. I thank the gentleman from Virginia for interrupting me by making that suggestion. As I stated a moment ago, I understood that the views expressed by Senator Spooner have been concurred in by Senator LODGE repeatedly.

Gentlemen of the House, the Senate of the United States, under the Constitution, has no function to perform nor any concern with regard to a treaty until it is laid before the Senate for ratification or rejection.

Article II, section 2, of the Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments."

Under the above language of the Constitution, even were it true that the conference should propose to draft a treaty, the President would have authority to appoint agents or representatives of his own choosing to represent the Executive in initiating the treaty; since its ratification would depend upon the action of the Senate that body's constitutional function would not be abridged.

If, as has already been pointed out, he may act directly and personally, why can he not perform the same function through his agents or representatives? Indeed it would seem from the very nature of things highly desirable, at least in some instances, that the President be enabled to exercise the greatest freedom in the matter of the choice of his agents. The delicate and confidential nature of negotiations sometimes attending the initiation of treaties would suggest that wisdom of the highest type would not hamper the President in his selection of representatives. Until a treaty is laid before the Senate for its action, it is the work of the President alone. If personally negotiated by him, the last statement can not be gainsaid. In the case of a treaty negotiated by commissioners or plenipotentiaries, it is still the document or instrument of the President. For, when the commissioners or plenipotentiaries report to the President, if he disapprove of the draft he may reject it and decline to submit it to the Senate. On the other hand, if its terms meet his wishes he may adopt the work of his agents and representatives as his own and lay the completed instrument before the Senate. The Constitution nowhere authorizes the making of treaties by commissioners or plenipotentiaries—only the President is authorized so to do, by and with the advice and consent

of the Senate. Commissioners and plenipotentiaries whenever they act perform their duties for and in behalf of the President in his treaty-making capacity and not as agents of the Senate. An instrument negotiated by plenipotentiaries or commissioners is in no sense a treaty until it is approved by the President. If such an instrument were a treaty before its express approval and adoption by the President and subject to validity upon ratification by the Senate, the President could be denied the exercise of his powers with reference to treaty making altogether. Even after submission to the Senate, if ratified by the Senate with an amendment, it is invalid until such amendment shall have been approved by the President (14 Diamond Rings v. U. S., 183 U. S.).

These remarks have been submitted in view of the majority's assumption that the proposed conference may draft a convention or treaty. This assumption is held to be unwarranted, as I shall later point out.

But the gentleman from Massachusetts [Mr. ROGERS] asserts that the commissioners who will attend this conference will be officers of the United States. I am surprised that the gentleman should have made any such contention. They will simply be delegates to the conference. The avowed purpose of the conference, as you will see if you will read the minority report, is not to draft a treaty, but ultimately it is possible that the results of this conference may form the basis of negotiations looking to future treaties.

The following dialogue occurred in the committee hearings between the chairman [Mr. ROGERS] and a witness:

The CHAIRMAN. It is not contemplated that this conference shall have any power of decision, I take it?

Mr. WALTER S. ROGERS. Oh, no.

The CHAIRMAN. It will simply be a conference to get together and exchange views and make recommendations?

Mr. WALTER S. ROGERS. They will probably draft something that would look like a convention, and that would come back for discussion.

The following excerpt from a letter of the Secretary of State to the acting chairman of the committee [Mr. ROGERS], found on page 9 of the majority report, is quite pertinent:

With reference to your inquiry as to whether delegates should be confirmed by the Senate, I would suggest that it is not customary to stipulate that delegates to the conference shall be appointed with the advice and consent of the Senate, and I think it would be wise to omit that stipulation. Even if we expected to negotiate a treaty, it would not, in my opinion, be customary or desirable that the delegates should be appointed by and with the advice and consent of the Senate, but it is not the purpose to have the delegates to the International Telegraphic Conference negotiate a treaty, but, rather, by a consideration of the subjects of communication in all its phases in relation to the views held by other Governments, to develop a basis upon which negotiations for an international convention may be undertaken by the regularly constituted agencies of the Government, provided the international regulation of communications shall ultimately be deemed desirable and practicable.

In view of the fact that the majority of the committee bases its contention that it is intended that the conference shall draft a treaty or convention on the testimony of the Secretary of State and Mr. Walter S. Rogers before the Committee on Foreign Affairs, it is believed that the direct and unequivocal denial of such purpose on the part of the Secretary of State and the equally clear denial on the part of Mr. Walter S. Rogers should be sufficient evidence to completely negative the contention of the majority.

For the purposes of this discussion it is immaterial whether the purpose of the conference is to draft a treaty or simply to discuss these matters in a preliminary way. The power of the President in dealing with foreign powers is absolute, except that the treaties which he may conclude, in order to be of validity, must be ratified and confirmed by the Senate.

But this is a conference of whom? It is a conference of representatives of the nations of the world. It is therefore a conference in which the United States will deal with representatives of foreign nations. But in dealing with foreign governments the United States acts through the President. It is therefore apparent that the function the commissioners or representatives to that conference are to exercise is one that belongs solely and unequivocally to the President of the United States. If it is the function of the President alone he should be permitted to perform that function through his own agents. If the conference should, contrary to expectation, draft a treaty it would first have to be submitted to the President, and be by him approved before its submission to the Senate. The Senate's ratification is still required to make it a treaty. The Senate is the final arbiter, and unless two-thirds consent the instrument is no treaty at all, only a "scrap of paper."

The Senate is not concerned with the personality of the men who negotiate the instrument any more than it is concerned with the personality of the typists or draftsmen who perform the physical work of putting it into form. The Senate is only concerned with the substance of the document, not with "who

wrote it," but with "what is written there." Its only concern is to determine whether or not the proposed treaty is such a one as promotes the interests of the United States or its citizens and whose obligations may be safely assumed by this Government.

Allow me to call the attention of the committee to the minority report, where will be found a compilation of the precedents in cases of appointments by the President of the United States of commissioners or representatives to negotiate treaties or international agreements. This table covers all of the appointments of that character made from 1792 to 1888.

The total number of persons appointed by the President during this period of time without the concurrence or advice of the Senate or without the express authority of Congress as agents to negotiate and conclude treaties is 438. During the same time 3 were appointed by the Secretary of State. During this entire period there were appointed with the advice and consent of the Senate only 32 such representatives. Even in the 32 cases of such appointments in no instance, so far as I have been able to find, was there any requirement of law that the President should submit his nominations to the Senate. The present bill furnishes the first example in the history of the country where it is sought by law to compel the submission of such nominations to the Senate.

From the table referred to it appears that from 1827 to 1880 no President at any time asked the consent of the Senate to any such appointment. It will be noted that at no time did any of the following Presidents submit to the Senate nominations of this character, to wit: Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, nor Grant.

It may be said that since 1888 the practice has been the same as it was prior to that time. In a very few instances the President has seen fit to ask the advice and consent of the Senate in the selection of commissioners, but in the vast majority of cases these appointments have been made without the advice and consent of the Senate; in fact, in every instance except three, and there have been a great many of such conferences during that time.

But, gentlemen of this committee, it ought to be apparent already that this amendment is proposed by the committee purely for a partisan purpose. I do not believe the gentlemen on the committee on the Republican side of this House will deny that statement, save in public. From the time this session of Congress convened the Republican side of this House has been busy playing politics. Although during the war they paraded these halls and, wrapping the flag about themselves, took pride in the fact that "we are following the President; oh, we are following the President," since the moment that the war ceased they have been criticizing, they have been whining, and they have been objecting to every act of the President, and evidence of that fact has cropped out in this debate.

It cropped out in this debate that this particular bill is not in the minds of the majority of this committee. In several instances here gentlemen of the majority on the floor of the House have adverted to the league of nations. Well, what in the name of common sense has the league of nations to do with the question whether or not we should enact this measure and have this conference? But the Republicans on that side of the Chamber are boiling with wrath. They are angry, and they can not let the opportunity escape them to do something, whether seemingly or whether unseemly, to exhibit their resentment and their spite and fear of the President of the United States—President Wilson.

It is asserted that the act of March 4, 1913, was passed by a Democratic Congress, and therefore was a partisan act. My information is that the Senate at that time was Republican. The Senate was not required to pass that measure, and most assuredly would not have passed it had it been designed by the Democratic House as an affront to a Republican President of the United States. Allow me to call your attention to the fact that the President who was then about to come into office was a Democrat and not a Republican, and a Democratic Congress would not likely seek thus to embarrass him without any cause or excuse whatever. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts [Mr. ROGERS] has eight minutes remaining.

Mr. ROGERS. I yield the remaining time to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, this Government of ours is based upon a Constitution providing for three branches of the Government. It certainly was the intention

of the fathers who framed the Constitution that there should be cooperation among these different subdivisions of the Government.

Under the Constitution the treaty-making power is vested in the President and one branch of the legislative department, namely, the Senate. Clearly there should be the heartiest cooperation in reference to matters which are under the jurisdiction of the treaty-making power. Yet, when such a measure as this is proposed which seeks to provide such cooperation, the gentlemen on the Democratic side create a great hue and cry about partisanship and the playing of politics. Mr. Chairman, if this be partisanship, I say "make the most of it." Some gentlemen seem to be of the opinion that there ought not to be any partisan lines drawn on any question relating to our foreign relations. In considerable measure this is true, but that does not apply in every instance. A question may arise any time as to a difference in policy affecting our foreign relations. Upon this question men may very easily honestly differ. If men may differ, so may organizations and political parties differ about the wisdom of any policy about to be embarked upon.

The gentleman from Texas [Mr. CONNALLY], who has just closed the debate for the other side, made the statement that the Republicans seem to be apprehensive lest the present occupant of the White House is made the permanent President of the United States. The gentleman is mistaken. Let me remind him that a suggestion to that effect was made upon the floor of this House some weeks ago, but that it did not emanate from this side of the aisle. It did come, however, from another gentleman from Texas. Be that as it may, let me inform the gentleman that the people of the United States speaking in no uncertain terms will take proper and appropriate steps in the year 1920 to prevent any such possibility that the gentleman has suggested. [Applause.]

Mr. CONNALLY. The gentleman does not mean that I made that suggestion.

Mr. NEWTON of Minnesota. No. I said another gentleman from Texas.

Now, as to the bill in question. The war brought home to us more than ever before the worth and value of international cable and radio communication. The countries controlling these means of communication not only enjoy increased trade advantages but in addition to that they enjoy the right to control the news that comes over those cables and informs their own nationals of the affairs of the world. Evidence was submitted to the committee that this right and power was used, or rather misused, at times to color events and their significance and also to withhold the publishing of events of significance.

There are four international news agencies that control the gathering and dissemination, so to speak, of the world's news. By a sort of mutual understanding the world is divided into four districts, one district being allotted to each news agency. These agencies use the cable almost exclusively in their work; at least they did so up to the period of the war when radio communication was greatly perfected. These agencies and their territory are as follows:

Associated Press (American): United States and Canada.

Wolff (German): Germany, Scandinavia, and Russia.

Reuter (English): Great Britain and Asia.

Havas (French): Latin Europe, Central and South America.

The control of the German Government over the Wolff agencies was used by them in helping mold public opinion. Undoubtedly some of the other powers did likewise. Some authorities even state that this control had more than a little to do with making possible a great World War.

Whether that is true or not, with the practice in the past before us we now know how important the whole question of international communication is, which is sufficient reason in itself for the calling of this conference.

Germany previous to the war controlled five international cables. All of these were cut by the British Navy, even those running from one neutral nation to another, thereby raising a new international question which up to this time has not yet been covered by international law or treaty.

The peace conference has turned over these five cables to Great Britain, France, Italy, Japan, and America, the so-called "Big Five." These powers now hold and control them jointly. It is my understanding that this proposed conference will sit and determine what, in its judgment, should be done in reference to the permanent disposition and control of these cables. It is the plan to have the recommendations of this conference embodied eventually in a convention or treaty. In a somewhat similar manner the Postal Union was brought about upon the initiation of this country.

The bill provides for a small appropriation to pay for the salaries of delegates, experts, clerical help, and other incidental expenses. With the magnitude of the problem involved the conference may last weeks, and possibly months.

It would seem, therefore, there is no question about the wisdom of the United States participating in such a conference, to be called by the President at his discretion. Yet my good Democratic friends are objecting because we have provided that the representatives or delegates of the United States to this conference shall be appointed by the President "by and with the advice and consent of the Senate." They object to the clause providing for confirmation by the Senate and urge that the proviso is unconstitutional, as it encroaches upon the constitutional powers of the Chief Executive.

Let us see. Article II, section 2, of the Constitution provides:

He shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the departments.

In the early history of our country it was quite common for the President to nominate treaty commissioners and send them to the Senate for confirmation. The commissioners representing the United States in the treaty of Ghent were so nominated and confirmed. The gentleman from Virginia mentions this as the only instance where peace commissioners were confirmed by the Senate. That is true. Yet it must be considered that after the adoption of the Constitution there have only been three or four instances where we have required peace commissioners. He refers to the Spanish-American War and the treaty of peace following it, and President McKinley's failure to submit the commissioners for confirmation. In that connection, it must be borne in mind that President McKinley was always in close touch and communication with the Senate and that he appointed on that commission two Senators. There are, therefore, only three instances, one of which refers to the present war and the treaty of Paris.

Following the disputes with Great Britain growing out of our Civil War, resulting in the so-called "Alabama claims" and the treaty of Geneva, it will be remembered that President Grant submitted the names of his commissioners to the Senate for confirmation.

There would seem, therefore, to be ample precedents.

Mr. BEE. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. I will.

Mr. BEE. Are these men who are to be appointed to these functions in any way officers of the Government of the United States? Is the Government of the United States bound by what they do? If not, what has the Senate got to do with any advice and consent as to their appointment unless they are officers?

Mr. NEWTON of Minnesota. I do not know whether they have the power legally to bind the United States or not.

Mr. BEE. The gentleman knows they have no such power.

Mr. NEWTON of Minnesota. Let me answer the gentleman. I do know this, that gentlemen who sit in an international conference, who represent the United States in an important proceeding, have the power to commit the United States to a course of procedure to such an extent that after we have been so committed in good faith and morals it is difficult to get back to the point from whence we started. I will say to the gentleman that my authority for this is none other than the President of the United States. I quote from his book entitled "Constitutional Government in the United States," being a series of lectures delivered to the students of Princeton University in the year 1908:

One of the greatest of the President's powers I have not yet spoken of at all; his control, which is very absolute, of the foreign relations of the Nation. The initiative in foreign affairs which the President possesses, without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need to disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

The President herein admits that constitutionally the Senate has coordinate power with the Executive in treaty making; but he says that by the Executive so using his power as the initiative he can thereby prevent the Senate from performing its constitutional function. Of course, that is true. The House of Representatives, with a similar disregard of the rights of other branches of the Government, can absolutely compel other branches to cease from functioning by withholding appropriations, but certainly no Member of this House would ever advocate the doing of any such thing.

The President, however, has put into force and effect the very principles which as a professor he enunciated.

Gentlemen, in that way the representatives of this conference can commit the United States, and if for no other reason than that I say to you that the appointees to this most important conference should be confirmed by the Senate.

Mr. BEE. Will the gentleman yield for another question?

Mr. NEWTON of Minnesota. For a short question.

Mr. BEE. Is it not true that your chairman stated in the committee, on page 2 of the report, that it is not contemplated that this conference shall have any power of decision whatever? Then why are you talking about this binding anybody?

Mr. NEWTON of Minnesota. I am talking about the representatives to this conference so dealing with the rights of the nations of the earth that they can in important critical situations really commit that conference and our representatives to ideas that the rest of the people of the United States do not share.

Mr. CONNALLY. Will the gentleman yield?

Mr. NEWTON of Minnesota. I can not; I have not the time.

At the close of the Great War there were great questions to be settled requiring the best thought of the Nation. Did the President follow the example of Washington, John Adams, Jefferson, Madison, John Quincy Adams, Grant, and McKinley? No; he did not seek the advice and consent of the Senate relating to the appointment of peace commissioners.

Upon his return to this country with the draft of the league of nations covenant, and immediately preceding his going abroad the second time, he sought to put into practice this alleged arbitrary power of the Executive as to foreign relations. He found differences of opinion as to the wisdom of the league of nations covenant among Members of the Senate and among his countrymen.

He said that those who questioned the wisdom of certain provisions displayed "comprehensive ignorance of the state of the world," and that it was the duty of such persons to accept the obligations put upon the United States in the treaty "without counting the cost." To those who suggested separating the covenant from the treaty of peace he said, in substance, that when he returned with the treaty the league of nations covenant would be so closely interwoven with the treaty of peace that the two would be inseparable.

He went back to Europe, and as the "initiative," "guided diplomacy," disclosing "no step of the negotiations until it was completed," and "virtually committed" the country.

It would seem, therefore, that with the present Executive having this conception of his powers it is a wise precaution to provide for confirmation as the committee has suggested.

Then there should be coordination between these two treaty-making bodies. In the same work that I have just quoted from the President in that connection, in referring to the powers of the Senate, says—

Mr. LONGWORTH. If the gentleman will pardon me, let me say that the statute of limitations has run against that monumental work. [Laughter on the Republican side.]

Mr. NEWTON of Minnesota. The author had no idea of becoming President when he wrote those lines.

There can be little doubt in the mind of anyone who has carefully studied the plans and opinions of the Constitutional Convention of 1787 that the relations of the President and the Senate were intended to be very much more intimate than they have been; that it was expected that the Senate would give the President its advice and consent in respect of appointments and treaties in the spirit of an executive council associated with him upon terms of confidential cooperation rather than in the spirit of an independent branch of the Government, jealous lest he should in the least particular attempt to govern its judgment or infringe upon its prerogative.

But there is another course which the President may follow, and which one or two Presidents of unusual political sagacity have followed, with the satisfactory results that were to have been expected. He may himself be less stiff and offish, may himself act in the true spirit of the Constitution and establish intimate relations of confidence with the Senate on his own initiative, not carrying his plans to completion, and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him, and his information of the greatest service to them, in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest. The policy which has made rivals of the President and Senate has shown itself in the President as often as in the Senate, and if the Constitution did, indeed, intend that the Senate should in such matters be an executive council it is not only the privilege of the President to treat it as such, it is also his best policy and his plain duty. As it is now, the President and the Senate are apt to deal with each other with the formality and punctilio of powers united by no common tie except the vague common tie of public interest, but it is within their choice to change the whole temper of affairs in such matters and to exhibit the true spirit of the Constitution by coming into intimate relations of mutual confidence, by a change of attitude which can perhaps be effected more easily upon the initiative of the President than upon the initiative of the Senate.

The adoption of the committee amendment "by and with the advice and consent of the Senate" will work for that harmony that the author has referred to as so desirable. Furthermore, we can feel certain that if such a practice is followed out in the future men like Dr. Herron and Lincoln Steffens may receive nominations to represent the United States in Russia or elsewhere, but they can not get confirmation so as to proceed on their duties. But to sum it all up, the President's own conception of his powers is reason enough for supporting the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired; all time has expired, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, requested and authorized in the name of the Government of the United States to call, in his discretion, an international conference to assemble in Washington, and to appoint representatives to participate therein, to consider all international aspects of communication by telegraph, telephone, cable, wireless telephone, and wireless telegraphy, and to make recommendations with a view to providing the entire world with adequate facilities for international communication on a fair and equitable basis.

Mr. ROGERS. Mr. Chairman, I offer the committee amendment, which is at the Clerk's desk.

Mr. BLANTON. Mr. Chairman, I offer a preferential amendment.

The CHAIRMAN. The question is first on the committee amendment.

Mr. BLANTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is not an amendment seeking to strike out all of the bill after the enacting clause a preferential amendment which comes in before every other amendment?

The CHAIRMAN. It is not in order at this time.

Mr. BLANTON. It has been so held by numerous Chairmen.

The CHAIRMAN. The question is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "appoint," insert the words "by and with the advice and consent of the Senate."

Mr. ROGERS. Mr. Chairman, in view of the fact that the entire general debate has been focused on this amendment I do not care to consume any further time, and I will yield the floor.

Mr. BLANTON. Mr. Chairman, I offer a preferential amendment.

Mr. LONGWORTH. I make the point of order that the amendment is not preferential; that perfecting amendments will come in first.

Mr. BLANTON. My amendment seeks to strike out all after the enacting clause. I submit to the Chair that under the holdings of various Chairmen it has been held to be preferential.

The CHAIRMAN. The Chair will hold that the gentleman's amendment is not in order at this time until the perfecting amendments have been considered. The question is on the committee amendment.

Mr. TILSON. Mr. Chairman, just a few words in support of the committee amendment. One gentleman in referring to the remarks of the gentleman from Pennsylvania [Mr. TEMPLE] said that that gentleman had admitted that there was no law requiring the confirmation of such nominees. If the gentleman will substitute the word "statute" for "law," I believe he will have quoted the gentleman from Pennsylvania substantially correct.

The gentleman from Pennsylvania did admit that there was no statute requiring the confirmation of such appointments. Why is there no statute? Because we have a higher law covering the same subject matter. Subsection 2 of section 2 of Article II of the Constitution, defining the powers of the President, provides:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Are these appointees to be officers of the United States? If they are not, then why are we considering the matter here? They are representatives of the Government in a very important matter; they are to be appointed by the President under a law that we are now considering, and it seems to me that unless some other provision of law has been made, they should be confirmed by the Senate. No statute is required if the Presi-

dent should send in their names. The Constitution itself provides for it if they are officers.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Not now. It is true there has been a line of precedents by which such representatives have been appointed and not confirmed by the Senate. That is not denied, but the Constitution has never been amended in that respect, and stands to-day as the fundamental law of the land.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield now?

Mr. TILSON. Not now. The constitutional requirement is that officers appointed by the President shall be confirmed by the Senate, unless otherwise provided by law, and it is agreed that these appointees have not been otherwise provided for by law. I yield to the gentleman from Arkansas.

Mr. CARAWAY. If that is true, and the Constitution makes it necessary for them to be confirmed by the Senate, why write this statute? It is not higher than the Constitution. Why do you want to pass a law which requires the President to do a thing which you say the Constitution requires him to do?

Mr. TILSON. Because there has been a long line of precedents—

Mr. CARAWAY. But they do not abrogate the Constitution.

Mr. TILSON. In which appointments have been made without confirmation, on the theory that they were not officers, and then there have been instances where Presidents themselves have taken very liberal views of what is permitted under the Constitution.

Regardless of whether there have been precedents since the law of March 4, 1913, was enacted, requiring that conferences of this kind shall be provided for by law before the President may call them, we should now make a precedent by enacting a law consonant with the provisions of the Constitution requiring that such officers shall be confirmed by the Senate.

Mr. RAMSEYER. And there was no precedent for the law of March 4, 1913, either, was there?

Mr. TILSON. No; and we do not need a precedent now. We need to make precedents sometimes, and this is one of those occasions. All this talk about its being for partisan reasons is piffle. What this amendment provides should be the law all of the time, and I for one am willing to write it into the statute law of the land, so that it shall hereafter bind Presidents, whether they be Democratic or Republican.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate upon this section and all amendments thereto close in 30 minutes, 15 minutes to be controlled by himself and 15 minutes by the gentleman from Virginia [Mr. FLOOD]. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, I think we have here an opportunity for the legislative department to assert itself and its proper functions in Government. I am not enamored, as I think many Members of the House are not, of the personnel of many of the commissions that have been appointed. I shall not enter into detail, but unfortunately the personnel of some of the agents that represented us in very difficult and sensitive situations in Europe in that socialistic conference do not reflect much credit upon the appointing power. I undertake to say that many of those men, if their appointment had been sent to the Senate and a thorough investigation of the principles that they had previously advocated been had, together with a thorough analysis of their life history, they never could have gotten by. Many of those appointments are a standing disgrace to the moral integrity of representative men.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. I can not yield.

Mr. RUBEY. For just one question?

Mr. FAIRFIELD. I can not yield. As a matter of fact, in another body attention has been called to the fact that men with utterly visionary and dangerous principles have been appointed upon one of the most important commissions in this country. I have no doubt but that charge will be sustained, and why any man should object here to the Senate acting as a censor on the fitness of men who are to represent the Government of the United States in foreign affairs I can not understand. It will not be long until a Republican President will have to make these appointments [applause on Republican side], and whether Republican or Democratic, there has been much talk in this body with

regard to the Legislature assuming its proper functions. Now and here is an excellent opportunity for men to assert themselves upon that point. Indeed, I am constrained to believe that, as much as in any other possible situation, the determining factors in setting us toward certain definite currents are the appointment of men upon these various commissions. Of course, if a man believes that whoever may be elected President, because of his high office and because of the confidence that the people have expressed in him, he should be trusted to the uttermost, that his wisdom and the wisdom of those who advise him is superior to that of the body of men elected in the Senate, then I can see how he might vote against this provision.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY]. [Applause.]

Mr. CARAWAY. Mr. Chairman, the best way to determine whether one is sincere in advocating this measure or whether he is playing politics, I take it, is to read the amendment itself. The gentleman who has just left the floor expressed the belief that after awhile a Republican President would be making these nominations, and that this would govern him also. Well, I never knew the gentleman to pose as a wit before, but I judge he said that as a witticism. [Applause on the Democratic side.] And to show you they do not intend to let this amendment hamper a Republican President—should the people be so unwise as to elect one—they do not say hereafter these appointments shall be made “by and with the consent of the Senate,” but they limit it to this delegation that is to be appointed under this particular act. Therefore, when you pretend you are wanting to limit the appointive power of some future Republican President—if the country should be so unfortunate as ever to have one—you know you are not doing it by this act; and, to say the least of it, you are not entirely candid in pretending this act will bind future Presidents. And the gentleman from Connecticut [Mr. TILSON] said you did not need an act of this kind for that purpose, because the Constitution itself requires this class of appointees to be confirmed by the Senate. Well, I want to say this in all seriousness: While I am not surprised at anything a Republican does, unless it is something patriotic—and I have not been so very often surprised by his doing that—I am surprised to hear a Republican in this Chamber say he wants to pass an act of Congress to strengthen the Constitution. That may be good reasoning in Connecticut. It would not pass as such anywhere else in the world. To say that the Constitution requires the President to submit these appointees for confirmation by the Senate, yet in order that he shall abide by the Constitution we will by act of Congress call his attention to it is an absurdity. [Laughter on the Democratic side.] Another gentleman cited the President's book on Congressional Government, and quoted Mr. Wilson as having said that under certain circumstances the President and the Senate should be in the closest confidential relations. That was some time ago.

Why, I remember the most distinguished Republican that has been elected President of these United States since I can remember said not a great while ago he “would not trust the Constitution overnight” with this very body you now want to confirm these nominations. [Applause on the Democratic side.] And he knew them. He had been President when some of them were new then in the Senate.

I understood the distinguished gentleman from Indiana [Mr. FAIRFIELD] to be complaining about the representatives this Government recently sent to Russia. He said their selection was so bad that if their lives had been inquired into they would not have been sent. Why, bless your soul, an ex-Secretary of State appointed by a former Republican President of the United States, was this representative. If there is anything so bad in his life, he ought not to have been appointed by a Republican President to any office. I think people are going to inquire into the lives of Republicans—not their private life but public acts and utterances on questions that now concern not only this Government but all the peoples of the earth—and then are not going “to appoint” them to any office next November year. If the gentleman refers not to the special representative of this Government who was sent by the President—Mr. Root—he must refer to the other men who were sent—of the Trade Commission—because there were only two sent, and those from the Trade Commission were confirmed by the Senate.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CARAWAY. Yes, I will yield; I will do what the gentleman would not do for others; I will yield.

Mr. FAIRFIELD. I said the associates sent—

Mr. CARAWAY. The gentleman did not say associates. The gentleman said representatives, whatever the gentleman meant to say—

Mr. FAIRFIELD. They were representatives of the Government, appointed by the President—

Mr. CARAWAY. What are their names?

Mr. FAIRFIELD. Appointed by the President.

Mr. CARAWAY. Who was it?

Mr. FAIRFIELD. Dr. Herndon—some one here suggested Herron—no, Dr. Herron.

Mr. CARAWAY. Oh, the gentleman came mighty near it, however.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. CARAWAY. Oh, of course; yes.

Mr. FAIRFIELD. The appointment smells so overnight; and I do not wonder the gentleman wanted to indicate to this Congress that I meant Mr. Root.

Mr. CARAWAY. Oh, I did not want to indicate the gentleman meant anything. I think the gentleman's speech was made without any thought on any question, and I think everybody knew that. [Applause on the Democratic side.]

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I have sent to get a document from which I desire to read, and as soon as it comes I will be ready; but I am not prepared now.

Mr. ROGERS. Will the gentleman from Virginia proceed?

Mr. FLOOD. I yield five minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY. Mr. Chairman and gentlemen, the gentleman from Connecticut [Mr. TILSON] contended that under the Constitution the President is required to submit these nominations to the Senate. Well, of course, as suggested by the gentleman from Arkansas, if that is true, then it is child's play to put an act of Congress on the statute books in an attempt to strengthen the Constitution. The fact of the business is this: These commissioners and representatives of the President in dealing with foreign governments or in negotiating treaties are not officers under the Constitution at all. They are not officers within the meaning of the Constitution, section 2, article 2—they are simply representatives of the President; they are his agents and servants for the purpose of conducting a negotiation with foreign powers.

Mr. TILSON. Will the gentleman yield?

Mr. CONNALLY. I do.

Mr. TILSON. Does not the gentleman draw a distinction between a representative to negotiate a treaty, which I agree with the gentleman, and appointments of this kind, which are not to negotiate a treaty at all and are given no power to negotiate a treaty?

Mr. CONNALLY. The gentleman from Connecticut [Mr. TILSON] has not read the minority report.

Mr. TILSON. The gentleman will.

Mr. CONNALLY. The gentleman from Massachusetts [Mr. ROGERS] contends that that is the very purpose. We deny it. The gentleman from Massachusetts contends that the real importance of this matter is that this conference will perhaps draft a treaty. It does not make any difference whether they draft a treaty or not. It is a conference in which the United States confers with foreign governments, and when it does so it is bound to act through the Executive, who under the Constitution is empowered to carry on such negotiations.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. I yield.

Mr. WALSH. Are these items of such importance that the President is required to have authority from Congress to make them?

Mr. CONNALLY. None whatever, except by the act of March 13.

Mr. FLOOD. That did not require it.

Mr. CONNALLY. I know it did not. The President could have appointed them heretofore and could have called this conference without any legislative act. But the act of March 13 was passed, which said he should not call any of these conferences without the will of the Congress, but even the act of 1913 did not undertake to dictate to the President how he should appoint his representatives. In all the history of the Republic the President, under the Constitution, has had the power to appoint delegates to conferences of this character and of other character without referring the matter to the Senate at all.

The gentleman refers to the appointment of Mr. Root to Russia. He is a distinguished ex-Secretary of State, and I am surprised that the gentleman from Indiana [Mr. FAIRFIELD] should have complained about that matter. It is not the fault of the President that Mr. Root failed in his Russian mission. The President appointed another distinguished Republican to the conference at Paris, Mr. Henry White, a distinguished diplomat of the United States, but after he got to Paris it would have taken a detective and a microscope to find him.

Mr. WALSH. If these are not such appointments as require the authority of Congress to make, what is the necessity of passing an act for them?

Mr. CONNALLY. Because the bill contains an appropriation to pay the expenses of these delegates. I will say to the gentleman from Massachusetts that a great many appropriations we are passing here in this Republican House are excessive, but the majority of this committee thinks this bill ought to pass and the minority thinks it ought not to pass, with the committee amendment. Of course, if the bill is passed there will be some expense.

Mr. MADDEN. Will the gentleman yield?

Mr. SUMMERS of Washington. Will the gentleman please name some more distinguished Republicans the President has appointed on some of these important commissions?

Mr. CONNALLY. I can name three Assistant Secretaries of War that the President has appointed during the conduct of the war, and yet ever since the war has ended this House has been making charges and accusations against the War Department, which has been administered, as I understand it, under the direction of the Secretary of War, by three Republican Assistant Secretaries of War.

Mr. SUMMERS of Washington. Do the Assistant Secretaries or the Secretary usually determine the policy?

Mr. CONNALLY. Oh, well, the policy was to whip Germany, and the Secretary of War determines that. The gentleman knows that the Assistant Secretaries carry out the details, and that the details are what you gentlemen have been complaining and quarreling and fussing about—the details of the administration, and not the great, overshadowing policy of the administration in conducting the war. It was because the Secretary of War did not sell this or that article of property the War Department had on hand; or, if he had sold property, he did not sell it as he should have sold it. Like garrulous and gossiping old women or rheumatic old men, you have found fault and fretted about this and that and the other detail of administration of the department when those very details were matters which the Republican Assistant Secretaries of War were charged with administering. There has been and can be no complaint of the larger policy of winning the war.

Mr. ROGERS. Mr. Chairman, I yield two minutes to the gentleman from Delaware [Mr. LAYTON].

The CHAIRMAN. The gentleman from Delaware is recognized for two minutes.

Mr. LAYTON. Mr. Chairman and gentlemen of the House, I object, in the first place, to a gentleman attempting to put me in the category of insulting the President of the United States. My word was "criticism," and what I wanted to say to him when he would not yield the floor to me was this, that the President of the United States is one man, and that 110,000,000 of American people at the last election criticized him by putting a Republican Congress in this body. [Applause on the Republican side.]

I want to go further. I have not said much in this House, but I can "speak my piece" if I want to. The President of the United States is the servant of the people, and he is no master; and every man in this House not only has the right, but it is his bounden duty, to criticize the President or any other official of this Government—

Mr. KNUTSON. When they need it—

Mr. LAYTON. When they need it. Now, so far as this bill is concerned, I submit that the judgment of this country is to-day that we have a President in the White House who has absolutely assumed more arbitrary power and has infringed more upon the Constitution, deliberately, than any President we ever had. [Applause on the Republican side.] I say that the Constitution of the United States says to him, "You shall take the advice and consent of the Senate in respect to international obligations." It is his duty. And yet in the most momentous crisis that this country ever had, in which we are about to be entangled in a world-wide treaty, with unknown consequences, the President of the United States not only would not advise and consult with the Senate, but insulted them by calling them "pigmy minds." [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. FLOOD. Mr. Chairman, I rise to a question of personal privilege. I would like the Record to show what did take place between the gentleman and myself. I used the word "insulting," and the gentleman said "That is what we intend."

The CHAIRMAN. What is the request of the gentleman from Virginia?

Mr. FLOOD. I want the colloquy between the gentleman from Delaware and myself read.

The CHAIRMAN. The Record will show. The Chair will state to the gentleman from Virginia that it is now too late to have the words taken down.

Mr. FLOOD. I asked for it as soon as I could. The gentleman got up and denied that he referred to the word "insulting," and I got up as soon as he sat down and asked to have those words read.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. ROGERS. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, I am not particularly interested in what the past practice of the country has been relative to having confirmed by the Senate American delegates to international conferences upon matters that may lead to agreements and treaties. It may not have been our usual practice in the past. If it has not been, this is a good time to establish that practice. The very great importance of having the Senate confirm the American delegates to any conference, international in character, that may bind or attempt to bind the people of this United States—of permitting the Senate to have some voice and influence in the matter—has been tremendously emphasized by our experience in the last few months. If the Democratic side desires to take the position of centralization, if it desires to take the position of attempting to increase and augment the powers of the Executive as against those of the legislative branch of the Government, well and good. But in the light of the experience of the past few months the Republican side is satisfied and convinced that in the future, whether or no we have done it in the past, every delegate appointed to an international conference to discuss or pass upon matters that may be the subject of negotiation or treaty should be confirmed by the Senate of the United States. It is time we took that position on behalf of the legislative branch of the Government and, through them, on behalf of the American people who elect them. There is nothing in the Constitution bringing in question our right or authority to take this action, and it is not only in harmony to our theory of the balance of authority, it is conducive to wise and harmonious action in connection with our foreign affairs and relations. [Applause on the Republican side.]

Mr. ROGERS. Mr. Chairman I yield the remainder of my time to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman and gentleman of the committee, section 2 of Article II of the Constitution provides:

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone.

Now, the question is, Has the Congress the power to exercise the right to say that the appointment of the delegates to this international convention shall be by and with the advice and consent and approval of the Senate?

Undoubtedly it has that power and that right. There can be no question about that. It does not matter what the precedents in the past may have been. Every question that comes before us for consideration must be dealt with on its merits at the time. Congress may enact a law authorizing the President to make appointments without the approval of the Senate. It may enact a law to require the President of the United States to obtain the approval of the Senate. That is what we are doing now. The gentleman from Virginia [Mr. FLOOD] says that the amendment is not for any good purpose. I deny that statement. The amendment is for the best purpose. It is for the purpose of seeing that men who are qualified and worthy are appointed as delegates to this important international conference. The men so appointed ought to be men of high technical training. They are to deal with a technical subject. It will not do to say that any person would be qualified to fill such a place. No one should be appointed who is not technically trained for the work for which the convention is to be convened.

The gentleman from Virginia [Mr. FLOOD] says the amendment is not one that we can constitutionally justify. Why, I have just read the provision of the Constitution that justifies it. No one can deny that the Congress can justify the exercise of a power laid down in section 2 of Article II of the Constitution, which makes the Congress the judge of whether the President shall appoint without the consent of the Senate or

by and with the consent and approval of the Senate. If the President had the power to make the appointment of these delegates, this bill would not now be before us for consideration. The law of 1913 intervenes, and the fact that that law was passed indicates that the Congress has the power to say to the President, "You shall not make such appointments unless by authority of Congress." That is the authority that the President comes here to seek to-day, and I maintain that it is within the strict letter of the law and the Constitution that we shall exercise such discretion in granting the power to the President to make the appointment as we may think proper under the circumstances. There can be no doubt that in each case the merits of the proposition before us are to be decided upon, and that we can say now that we will require confirmation by the Senate, whereas in the next bill authorizing the President to make appointments we may refuse to say that. That is strictly within our rights, and in exercising our rights to-day we demand that no appointment shall be made except by and with the advice and consent of the Senate. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is upon the amendment.

The question being taken, on a division (demanded by Mr. FLOOD) there were—ayes 132, noes 89.

Mr. FLOOD. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. ROGERS and Mr. FLOOD.

The committee again divided; and the tellers reported—ayes 113, noes 94.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State for expenses incidental to the conference.

Mr. FLOOD. Mr. Chairman, I offer an amendment. I would like to add after the word "conference" the words "including personal services and rents in the District of Columbia notwithstanding the provisions of any other act."

Mr. ROGERS. Mr. Chairman, I will accept the amendment if the words "and rents" are omitted.

Mr. WALSH. The amendment ought to be reported, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 2, line 9, after the word "conference," strike out the period, insert a comma, and add the following language: "including personal services and rents in the District of Columbia notwithstanding the provisions of any other act."

Mr. FLOOD. Mr. Chairman, my reason for offering this amendment is the fact that there are some laws on the statute books which would prohibit the employment of personal services in the District of Columbia without special authorization of Congress and the renting of any buildings for the purpose of holding this conference without such special authorization in this particular act.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. ROGERS. It was suggested by the Secretary of State in the hearings that probably the Pan American Building could be utilized rent free for the purpose of the conference. As I said a moment ago, I shall be glad to accept the gentleman's amendment if the words "and rents" are omitted therefrom.

Mr. FLOOD. Then, Mr. Chairman, I modify my amendment by striking out the words "and rents," so that the amendment will read "including personal services in the District of Columbia notwithstanding the provisions of any other act."

Mr. SEARS. Reserving the right to object—

Mr. WALSH. The amendment ought to be reported.

The CHAIRMAN. The gentleman from Massachusetts asks to have the amendment reported as modified. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment offered by Mr. FLOOD: Page 2, line 9, after the word "conference," strike out the period, insert a comma, and add the following language: "including personal services in the District of Columbia notwithstanding the provisions of any other act."

Mr. SEARS. Reserving the right to object—

Mr. ROGERS. It does not require unanimous consent.

Mr. SEARS. Oh, yes; it does. I should like to ask the gentleman from Massachusetts why he has changed his attitude from that assumed by the majority the other day when I endeavored to strike out the words "and rents" and the majority side voted to put in the words "and rents"?

Mr. FLOOD. If I understand—

Mr. SEARS. I withdraw my objection.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Certainly.

Mr. WALSH. Will the gentleman state what is the character of the personal services that will be required to be performed in the District of Columbia under the provisions of this act?

Mr. FLOOD. I understand that the most important personal services that will be performed at this conference by the American representatives will not be performed by the delegates necessarily, but by experts in matters of international communication. For instance, we had one of them, a Mr. Rogers, before the committee. I take it, from the vast knowledge he displayed of questions of international communication, that he will have some connection with the conference.

Mr. WALSH. And he expects to be paid for whatever connection he has?

Mr. FLOOD. The experts will be paid, of course. The delegates will probably be paid nothing except their expenses.

Mr. WALSH. Is it expected that the delegates to this conference, which I understand will be assembled in Washington—that is, the delegates representing the United States—will not receive any compensation or salary?

Mr. FLOOD. The Secretary of State said they would receive no salary or very little salary. It has been the custom only to pay their expenses, and I take it that will be the case here; but there will probably be some high-priced experts connected with the conference.

Mr. WALSH. That is, they will be employed by the United States delegates and not by the conference?

Mr. FLOOD. Employed either by the Secretary of State or by the United States delegates—I take it, by the Secretary of State—and paid out of this fund.

Mr. WALSH. And the other nations will pay their own experts?

Mr. FLOOD. Certainly.

Mr. GOOD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. Have we not experts in the State Department so that it will not be necessary to go outside and employ more experts?

Mr. FLOOD. I doubt if we have any in the State Department as efficient as the gentleman I have mentioned. He seemed to have absolute knowledge of the whole situation of international communication. I do not know that they will employ him.

Mr. GOOD. They must have a great many of these experts at the State Department.

Mr. FLOOD. I do not know that Mr. Rogers will be employed.

Mr. GOOD. Outside of the employment of Mr. Rogers, have not they experts in the State Department on international communication; and if so, what is the use, when we have experts, paying them an annual salary, of employing some one else outside and paying them \$200 or \$300 a day?

Mr. FLOOD. I doubt if there are many experts in the State Department.

Mr. BLANTON. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. BLANTON. Is Mr. Rogers employed by the Government at this time?

Mr. FLOOD. I think not.

Mr. BLANTON. Does he get any salary from the Government?

Mr. FLOOD. I think not. He was connected with the peace conference; that is, he was rendering service there.

Mr. WALSH. I would like to ask the gentleman from Virginia if he understands that the entire expense of the United States for the participation in this conference will not exceed \$75,000?

Mr. FLOOD. I will ask the chairman of the committee; I was not present in committee when that matter was considered.

Mr. WALSH. I wanted the gentleman's idea—if he had any information.

Mr. FLOOD. My information is that \$75,000 will pay the expenses; they may have asked for more.

Mr. WALSH. This will not pay many salaries.

Mr. FLOOD. Yes; it will pay the expenses of the conference, the expenses of the delegates, and the expenses of the experts that are employed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 2, line 4, strike out "\$75,000" and insert in lieu thereof "\$20,000."

Mr. BLANTON. Mr. Chairman, I will not take any time in discussing this amendment. If Members of the House want to retrench, they have the opportunity. If they want to keep on in the extravagant expenditure of our money, let them vote down the amendment.

Mr. GOOD. Mr. Chairman, I do not rise to question this expenditure, but I observe in the conference held in 1912 there was an expenditure of \$18,850 for entertainment, medals, and badges. It does seem to me that that is an expenditure that during these times ought to be prohibited. I want to ask the gentleman from Massachusetts in charge of the bill if he would have any objection to putting in a provision that no part of this appropriation shall be used for entertainment or the purchase of medals or badges.

Mr. ROGERS. As far as I am concerned, I should be very glad to accept that amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer the amendment which I send to the desk, to follow the amendment which was offered by the gentleman from Virginia [Mr. FLOON] and adopted.

The Clerk read as follows:

At the end of the amendment just adopted insert: "Provided, That no part of this sum shall be used for entertainment or for the purchase of medals or badges."

Mr. JUUL. Mr. Chairman, I desire to ask the gentleman from Iowa a question.

Mr. GOOD. I may not know anything about it.

Mr. JUUL. If we vote for the amendment submitted by the gentleman, that will mean that they can not send an automobile to the station for the delegates, or take them to the hotel, or pay for a meal in the name of the United States.

Mr. GOOD. This is entertainment in the way the State Department sometimes entertains. The department has its own automobiles, as have other departments.

Mr. WALSH. Has not the State Department a fund out of which it can entertain visitors and delegates to any convention?

Mr. GOOD. Yes.

Mr. BEE. Do I understand that if we desire to buy badges for Members to wear that that would be prohibited by this amendment?

Mr. GOOD. It would be.

Mr. SEARS was recognized.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Chairman, I do not believe for one moment that I can defeat the amendment, for the majority is in control, but I felt some one should congratulate the Committee on Appropriations for the wonderful economical system that that side has started out on, as shown by the amendment just offered. [Laughter on the Democratic side.] The other day we refused to cut down appropriations which I believe should have been lowered because the taxpayers are getting tired. I think this great Congress—that is, the majority—ought to put the other nations of the world on notice that when we go there we will expect and get entertainment, but when they come here they may expect nothing at your hands.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. SEARS. I hope that this economical spirit will continue to grow, but in a different way, and in the few minutes allowed me I desire to call the attention of the majority to the fact that the Capital Traction Co. is now about to charge—that is, beginning on the 1st of November—will charge 7 cents for street car fare. I trust the majority will follow up this system of economy and not permit this, and thus save to the people, the employees of the Government, the newspaper reporters, and the thousands of visitors who come to the Capitol, this 2 cents extra in the ride down town and the 2 cents back, and in this connection I ask unanimous consent to have printed in the Record, because I think it is a very valuable report, the report of Mr. Gardiner, one of the Commissioners of the District, clearly setting out his reasons why this should not be permitted.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. MADDEN. Mr. Chairman, I object.

Mr. SEARS. Mr. Chairman, in the few minutes I have remaining, I want to say that I expected some Republican would object to the printing of this valuable report. Of course, it is not very important to the Members who are drawing \$7,500

per year and who ride around in fine automobiles, but it is of vital importance to the thousands of Government employees and others residing in the District.

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment.

Mr. SEARS. I am talking on economy.

The CHAIRMAN. The point of order is made that the gentleman from Florida is not speaking to the amendment. The Chair is of opinion that the point of order is well taken.

Mr. SEARS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SEARS. Mr. Chairman, what I say is absolutely germane, because these delegates may want to ride on the street car.

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. SEARS. They may not care to walk.

Mr. MADDEN. I am making the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida will proceed in order.

Mr. SEARS. Is the point of order sustained?

The CHAIRMAN. The Chair rules that the gentleman was not speaking to the amendment and sustains the point of order. The gentleman will proceed in order.

Mr. SEARS. Then, Mr. Chairman, I trust that the amendment will not be adopted, because if it should be adopted, these people who will be invited here will be put to this extra expense, and certainly we should make some appropriation to relieve them of that burden, even though the majority does not care anything about the people of the District of Columbia and of the United States.

Mr. KING. Mr. Chairman, I make the point of order.

Mr. SEARS. Oh, I yield to my genial friend from Illinois.

Mr. KING. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KING. The gentleman is not talking to the amendment. He is talking through his hat.

The CHAIRMAN. The Chair is of the opinion that the gentleman is speaking to the amendment and that the point of order is not well taken.

Mr. SEARS. The Chair rules that I am speaking to the amendment. Mr. Chairman, that statement might be expected, coming from the gentleman from Illinois [Mr. KING]; but not having a hat on, I could not possibly speak through my hat.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. CALDWELL. Mr. Chairman, I ask that the words of the gentleman from Illinois be taken down in which he referred to my colleague as speaking through his hat.

The CHAIRMAN. The request of the gentleman from New York comes too late.

Mr. SEARS. Mr. Chairman, I do not take this seriously. I know that my friends on that side are not economical. I know they care nothing about the extra 2 cents that the people of Washington will have to pay; and in conclusion I want to assure my good friend from Illinois [Mr. KING] that I am not permitted by the rules of the House to wear my hat in the House, and I would not do so, if permitted, because there are ladies in the gallery. Therefore, I am not speaking through my hat, but evidently over the heads of those on the other side, especially as I am making a just appeal on behalf of the people of the District.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. BANKHEAD. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. There is already an amendment pending. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. GOOD and Mr. BLANTON) there were—ayes 86, noes 41.

So the amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer to amend, on page 2, line 4, by striking out the figures "\$75,000" and inserting in lieu thereof the figures "\$50,000."

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BANKHEAD: Page 2, line 4, strike out "\$75,000" and insert "\$50,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 22, noes 65.

So the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DYER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9822 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FLOOD. Mr. Speaker, I demand a separate vote on the committee amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en grosse.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the committee amendment, on which a separate vote is demanded, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "appoint," insert the words "by and with the advice and consent of the Senate."

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 125, answered "present" 3, not voting 142, as follows:

YEAS—161.

Anderson	Foster	McArthur	Sanders, Ind.
Andrews, Md.	Gallivan	McCulloch	Sanders, N. Y.
Andrews, Nebr.	Garland	McFadden	Sanford
Anthony	Glynn	McKenzie	Scott
Baer	Good	McLaughlin, Mich.	Shreve
Barbour	Goodall	McPherson	Sinclair
Benham	Gould	MacCrate	Sinnott
Bland, Ind.	Green, Iowa	MacGregor	Smith, Mich.
Boies	Greene, Mass.	Madden	Snell
Bowers	Greene, Vt.	Magee	Steenerson
Brooks, Pa.	Griest	Mapes	Stephens, Ohio
Browne	Hadley	Mason	Stiness
Browning	Hardy, Colo.	Merritt	Strong, Kans.
Burroughs	Hawley	Michener	Strong, Pa.
Cannon	Hays	Miller	Summers, Wash.
Chindblom	Hernandez	Monahan, Wis.	Sweet
Christopherson	Hersey	Mondell	Taylor, Tenn.
Classon	Hickey	Moore, Ohio	Temple
Cooper	Hoch	Morgan	Thompson
Crago	Houghton	Murphy	Tilson
Crowther	Hull, Iowa	Nelson, Wis.	Timberlake
Currie, Mich.	Husted	Newton, Minn.	Tinkham
Curry, Calif.	Hutchinson	Nichols, Mich.	Towner
Dale	James	Nolan	Valle
Dallinger	Johnson, Wash.	Osborne	Vestal
Darrow	Jones, Pa.	Paige	Voigt
Davis, Minn.	Juul	Parker	Volstead
Denison	Kahn	Platt	Walsh
Dickinson, Iowa	Keller	Purnell	Ward
Dowell	Kelly, Pa.	Radcliffe	Watson
Dunbar	King	Ramseyer	Watson, Pa.
Dunn	Kinkaid	Randall, Calif.	Webster
Dyer	Klecza	Randall, Wis.	White, Kans.
Echols	Knutson	Reavis	White, Me.
Edmonds	Kraus	Reber	Williams
Elliott	Lampert	Reed, W. Va.	Wilson, Ill.
Elston	Layton	Rhodes	Young, N. Dak.
Evans, Nebr.	Longworth	Ricketts	Zihlman
Fairfield	Luce	Rogers	
Focht	Lufkin	Rose	
Fordney	Luhning	Rowe	

NAYS—125.

Alexander	Carter	Howard	Mooney
Almon	Casey	Huddleston	Moore, Va.
Ashbrook	Clark, Fla.	Hudspeth	Neely
Aswell	Clark, Mo.	Hull, Tenn.	Nelson, Mo.
Ayres	Cleary	Humphreys	O'Connell
Baka	Coady	Igoe	O'Connor
Bankhead	Collier	Jacoway	Oldfield
Bee	Connally	Jones, Tex.	Oliver
Bell	Crisp	Kitchin	Olney
Benson	Davey	Lanham	Overstreet
Black	Davis, Tenn.	Lankford	Padgett
Blackmon	Dickinson, Mo.	Larsen	Park
Bland, Mo.	Dominick	Lea, Calif.	Parrish
Bland, Va.	Doughton	Leshner	Phelan
Blanton	Dupré	Linthicum	Pou
Box	Evans, Mont.	Loneragan	Quin
Briggs	Evans, Nev.	McDuffie	Rainey, Ala.
Buchanan	Fisher	Major	Raker
Byrnes, S. C.	Fitzgerald	Mann, S. C.	Rayburn
Byrns, Tenn.	Flood	Mansfield	Riordan
Caldwell	Gallagher	Mays	Romjue
Campbell, Pa.	Hardy, Tex.	Mead	Rouse
Candler	Hastings	Minahan, N. J.	Rubey
Caraway	Hayden	Montague	Rucker
Carss	Holland	Moon	Sanders, La.

Sears	Taylor, Colo.	Weaver	Wingo
Sherwood	Tillman	Webb	Woods, Va.
Small	Upshaw	Welling	Wright
Smithwick	Venable	Welty	Young, Tex.
Steagall	Vinson	Whaley	
Stedman	Watkins	Wilson, La.	
Summers, Tex.	Watson, Va.	Wilson, Pa.	

ANSWERED "PRESENT"—3.

Butler	Frear	Gard
		NOT VOTING—142.

Ackerman	French	Kiess	Robinson, N. C.
Bacharach	Fuller, Ill.	Kincheloe	Robson, Ky.
Barkley	Fuller, Mass.	Kreider	Rodenberg
Begg	Gandy	LaGuardia	Rowan
Booher	Ganly	Langley	Sabath
Brand	Garner	Lazaro	Saunders, Va.
Brinson	Garrett	Lee, Ga.	Schall
Britten	Godwin, N. C.	Leibach	Scully
Brooks, Ill.	Goldfogle	Little	Sells
Brumbaugh	Goodwin, Ark.	McAndrews	Siegel
Burdick	Goodykoontz	McClintic	Sims
Burke	Graham, Pa.	McGlennon	Sisson
Campbell, Kans.	Graham, Ill.	McKeown	Slemp
Cantrill	Griffin	McKiniry	Smith, Idaho
Carew	Hamill	McKinley	Smith, Ill.
Cole	Hamilton	McLane	Smith, N. Y.
Copley	Harrison	McLaughlin, Nebr.	Snyder
Costello	Haskell	Maher	Steele
Cramton	Haugen	Mann, Ill.	Stephens, Miss.
Cullen	Hefflin	Martin	Stevenson
Dempsey	Hersman	Moore, Pa.	Sullivan
Dent	Hicks	Moore, Ind.	Swope
Dewalt	Hill	Morin	Taylor, Ark.
Donovan	Hulings	Mott	Thomas
Dooling	Ireland	Mudd	Tincher
Doremus	Jefferis	Newton, Mo.	Treadway
Drane	Johnson, Ky.	Nicholls, S. C.	Vare
Eagan	Johnson, Miss.	Ogden	Walters
Eagle	Johnson, S. Dak.	Pell	Wheeler
Ellsworth	Johnston, N. Y.	Peters	Winslow
Emerson	Kearns	Porter	Wise
Esch	Kelley, Mich.	Rainey, H. T.	Wood, Ind.
Ferris	Kendall	Rainey, J. W.	Woodyard
Fess	Kennedy, Iowa	Ramsey	Yates
Fields	Kennedy, R. I.	Reed, N. Y.	
Freeman	Kettner	Riddick	

So the committee amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. GRAHAM of Pennsylvania (for) with Mr. GARD (against).

Until further notice:

Mr. ROBSON of Kentucky with Mr. NICHOLLS of South Carolina.

Mr. FULLER of Massachusetts with Mr. THOMAS.

Mr. LANGLEY with Mr. FIELDS.

Mr. TREADWAY with Mr. BOOHER.

Mr. TINCHER with Mr. JOHNSON of Mississippi.

Mr. ACKERMAN with Mr. MCKANE.

Mr. WHEELER with Mr. DRANE.

Mr. CRAMTON with Mr. JOHN W. RAINEY.

Mr. FREAR with Mr. GANDY.

Mr. BUTLER with Mr. STEELE.

Mr. MOTT with Mr. BRINSON.

Mr. MUDD with Mr. GARRETT.

Mr. BACHARACH with Mr. WISE.

Mr. BEGG with Mr. TAYLOR of Arkansas.

Mr. BRITTEN with Mr. SULLIVAN.

Mr. BROOKS of Illinois with Mr. STEVENSON.

Mr. BURDICK with Mr. STEPHENS of Mississippi.

Mr. BURKE with Mr. SMITHWICK.

Mr. JEFFERIS with Mr. LAZARO.

Mr. KELLEY of Michigan with Mr. KETTNER.

Mr. KENNEDY of Iowa with Mr. JOHNSTON of New York.

Mr. KENNEDY of Rhode Island with Mr. JOHNSON of Kentucky.

Mr. KIESS with Mr. HERSMAN.

Mr. KREIDER with Mr. HEFLIN.

Mr. NEWTON of Minnesota with Mr. GARNER.

Mr. ESCH with Mr. SABATH.

Mr. OGDEN with Mr. GANLY.

Mr. FESS with Mr. ROWAN.

Mr. PETERS with Mr. FERRIS.

Mr. CAMPBELL of Kansas with Mr. SMITH of New York.

Mr. LA GUARDIA with Mr. HARRISON.

Mr. FULLER of Illinois with Mr. HENRY T. RAINEY.

Mr. GOODYKOONTZ with Mr. PELL.

Mr. PORTER with Mr. EAGLE.

Mr. REED of New York with Mr. EAGAN.

Mr. RODENBERG with Mr. DOREMUS.

Mr. GRAHAM of Illinois with Mr. MARTIN.

Mr. HAMILTON with Mr. MCKINIRY.

Mr. SIEGEL with Mr. DOOLING.

Mr. SMITH of Illinois with Mr. DONOVAN.

Mr. SNYDER with Mr. DEWALT.

Mr. VARE with Mr. DENT.
 Mr. McLAUGHLIN of Nebraska with Mr. HAMILL.
 Mr. MANN of Illinois with Mr. GRIFFIN.
 Mr. MOORE of Pennsylvania with Mr. GOODWIN of Arkansas.
 Mr. WOOD of Indiana with Mr. CULLEN.
 Mr. COLE with Mr. SISSON.
 Mr. COPLEY with Mr. SIMS.
 Mr. HASKELL with Mr. McKEOWN.
 Mr. HAUGEN with Mr. McGLENNON.
 Mr. WOODYARD with Mr. CAREW.
 Mr. DEMPSEY with Mr. SCULLY.
 Mr. EMERSON with Mr. SAUNDERS of Virginia.
 Mr. HICKS with Mr. McCLINTIC.
 Mr. YATES with Mr. CANTRILL.
 Mr. HULINGS with Mr. MCANDREWS.
 Mr. IRELAND with Mr. LEE of Georgia.
 Mr. RAMSEY with Mr. BRUMBAUGH.
 Mr. MOORES of Indiana with Mr. GOLDFOGLE.
 Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. BUTLER. Mr. Speaker, I have a general pair with Mr. STEELE. He did not vote. I voted "yea," and I would like to withdraw it and answer "present."

Mr. GARD. Mr. Speaker, I have a pair for the day with the gentleman from Pennsylvania, Mr. GRAHAM. I voted "nay." I wish to withdraw that vote and answer "present."

Mr. FREAR. Mr. Speaker, I wish to announce myself as being present. I have a pair. I would vote "yea" if I were to vote.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment: Page 2, line 4, strike out "\$75,000" and insert in lieu thereof "\$25,000."

Mr. ROGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-one members are present, a quorum.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend and revise his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNE. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Wisconsin makes the same request. Is there objection? [After a pause.] The Chair hears none.

COMPENSATION FOR EMPLOYEES OF THE POSTAL SERVICE.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, submitted a conference report on House joint resolution 151, to provide additional compensation for employees of the Postal Service and making appropriation therefor, which was ordered printed under the rule.

Mr. BLANTON. Mr. Speaker, I reserve all points of order on it.

Mr. CLARK of Missouri. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. Points of order can be reserved at any time after the report is read.

Mr. CLARK of Missouri. I know, but I ask it now.

EXTENSION OF REMARKS.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

EXCHANGE OF LEGATION PROPERTY AT BANGKOK, SIAM.

Mr. ROGERS. Mr. Speaker, by direction of the Committee on Foreign Affairs I call up the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States at Bangkok, Siam.

The SPEAKER. The gentleman from Massachusetts, from the Committee on Foreign Affairs, calls up the bill S. 2250. The bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2250, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2250, which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States at Bangkok, Siam.

Mr. ROGERS. Mr. Chairman, the bill is short. Let it be read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam.

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized and directed to transfer to the Government of Siam all title to and interest in that parcel of land located in the city of Bangkok, Siam, on the river Menam Chao Phya, together with the buildings and other appurtenances appertaining thereto, which His Majesty the King of Siam in 1884 presented to the Government of the United States for legation purposes, and to receive in exchange therefor from the Government of Siam title to all that parcel of land and the buildings and other appurtenances appertaining thereto situated on the Klong Poh Yome, in the city of Bangkok, Siam, which the Government of the United States now rents and occupies for legation purposes, together with a certain parcel of land contiguous thereto, the said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. ROGERS. Mr. Chairman, I hope to detain the committee only a very few moments for the consideration of this bill, because I think that the propriety of the measure and its usefulness to the United States will quickly become apparent.

In 1884 the Government of Siam presented to the United States a tract of land along the river front of Bangkok for legation purposes. At that time the only means of approaching and leaving Bangkok for commerce and travel was by the river, and consequently the location on the river front was extremely desirable for our legation. Since that time Bangkok has been connected with the sea by railroad and by electric trolley, and therefore the same reason for being on the river front does not now exist.

In 1884 and for some time thereafter all the other legations of foreign Governments were located on the river front. Since that time almost all of them have moved away to higher ground and to a more salubrious climate in other parts of the city. The United States and one or two other Governments are practically the only ones still left on the river front. Our property has gradually worn away by erosion and the building itself has suffered very materially from the inroads of the river.

The result of the change in the neighborhood and of the gradual decay of the property was that in 1913 the legation found it impracticable and perhaps unsafe to occupy the property any longer; so in that year we, too, moved up to the residential neighborhood in the center of the city. But since 1913 we have retained the old property along the river front, first and primarily, because it was a gift from the Government of Siam which we could not in courtesy dispose of, and second, because the question of title entered in and the suggestion was made that we could not give a clear title to any purchaser.

This last year the Government of Siam, seeing our embarrassment and the awkwardness of the situation, agreed to take back that 1884 property, which it could use advantageously for customs purposes, and give us instead the property in the residential quarter of the town which we were already occupying

and near where the legations of the other countries were located. The new lot thus proffered is rather more than twice the size of the old lot and in a better locality. The building is better; the property is worth more. We save the rental that we have been paying on it since 1913. We save the expense of keeping a custodian at the old property, which has been necessary since we vacated it six years ago.

Mr. WALSH. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. ROGERS. Certainly.

Mr. WALSH. Will the gentleman state what the language in lines 7, 8, and 9 on page 2 means: "Until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam"? We do not ordinarily speak of making a title. I wondered just what that was intended to mean. Has the title been made?

Mr. ROGERS. I think that is very inartistic language.

Mr. WALSH. It is not only inartistic, but I think it is doubtful whether it means anything.

Mr. ROGERS. I do not think there is very much doubt that the intent of the language would be deemed to be accomplished by the word used.

Mr. WALSH. What is that, if I may ask?

Mr. ROGERS. The intent of the language, I take it, is that the title in the new property shall be vested in the United States before we let go to the title to the old property.

Mr. WALSH. It says:

The said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

I assume that it means "conveyed."

Mr. ROGERS. I shall offer an amendment, if the gentleman does not care to, striking out the word "made" and substituting the word "conveyed."

Mr. Chairman, if there are no other questions, I will reserve the balance of my time; and if there is no more debate I ask for the reading of the bill.

The CHAIRMAN. Does the gentleman from Virginia, the ranking member of the minority, desire recognition on the bill?

Mr. FLOOD. I think not, Mr. Chairman.

The CHAIRMAN. Then the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized and directed to transfer to the Government of Siam all title to and interest in that parcel of land located in the city of Bangkok, Siam, on the River Menam Chao Phya, together with the buildings and other appurtenances appertaining thereto, which His Majesty the King of Siam, in 1884, presented to the Government of the United States for legation purposes; and to receive in exchange therefor from the Government of Siam title to all that parcel of land and the buildings and other appurtenances appertaining thereto situated on the Klong Poh Yome, in the city of Bangkok, Siam, which the Government of the United States now rents and occupies for legation purposes, together with a certain parcel of land contiguous thereto, the said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. ROGERS. Mr. Chairman, I move to amend by striking out the word "made," in line 8 of page 2; and substituting in lieu thereof the word "conveyed."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 8, after the word "been," strike out the word "made" and insert in lieu thereof the word "conveyed."

Mr. GARD. Mr. Chairman, has the gentleman thought how the language would appear in the amendment—"until satisfactory title to the property to be acquired by the Government of the United States has been conveyed by the Government of Siam"?

Mr. ROGERS. I think that is satisfactory. I ask for a vote on it, Mr. Chairman.

Mr. GARD. It seems to me the language is better in the first place, providing for the making of a title and the exchange of property. You do not often hear of conveying a title. You hear of a title you have made good after investigation. The making of the title is that it is made satisfactory to the parties to the conveyance, but the conveyance is the actual deed itself. I assume they have deeds to land in Siam?

Mr. ROGERS. Oh, yes.

Mr. BLAND of Missouri. Suppose you insert the words "until the conveyance of a satisfactory title has been made."

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. TEMPLE. Is not the word "made" used in the sense of creating a title? The owner can transfer, but the State makes the title.

Mr. GARD. I do not know. I think in Siam the first property we got was from His Majesty the King of Siam, in 1884. Now, we have a title conveyed by the Government of Siam.

I think the suggestion of the gentleman from Missouri [Mr. BLAND] covers the case better than any language that has heretofore been mentioned.

Mr. ROGERS. I ask for a vote on the amendment.

Mr. BLAND of Missouri. I offer as a substitute to insert the words "conveyance of."

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Missouri as a substitute for the amendment offered by Mr. ROGERS: Page 2, line 7, after the word "until" insert "conveyance of."

Mr. WALSH. Mr. Chairman, I doubt if that is the proper language to put in here. Of course, the transfer can not be made until conveyance of title has been made. The only question which arose in my mind was whether the word "made" was proper phraseology to be employed. It would seem to me that the transfer should not be made until satisfactory title to the property to be acquired by the Government has been conveyed by the Government of Siam. Of course, you can convey a title. We speak of it ordinarily as conveying title to property, or deeding title to property.

Mr. BLAND of Missouri. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BLAND of Missouri. It will then read—

Until conveyance of satisfactory title to the property to be acquired by the Government of the United States has been made by the Government of Siam.

Mr. WALSH. Of course, you can not make a transfer until you convey the property.

Mr. BLAND of Missouri. That is true, and that would be a conveyance of sufficient title. That is all you intend.

Mr. ROGERS. I think it is pretty clear that the word which is customarily used among lawyers and among laymen is the word "transfer." Therefore, I am inclined to think that the original suggestion of my colleague [Mr. WALSH] is the right one, and that my amendment is the one that ought to prevail.

Mr. ALMON. Will the gentleman yield for a suggestion?

Mr. ROGERS. Certainly.

Mr. ALMON. How would it do to make it read?—

The said transfer not to be made until satisfactory title to the property to be acquired by the Government of the United States has been found satisfactory by the Government of Siam.

Mr. ROGERS. That would just reverse the meaning of the provision.

Mr. WALSH. It is the Government of the United States that has to be satisfied.

Mr. ROGERS. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Missouri [Mr. BLAND].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The amendment was agreed to.

Mr. ROGERS. I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 2250) providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ROGERS. Mr. Speaker, I move the previous question on the bill and amendment to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment reported from the Committee of the Whole.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE FIRST DEFICIENCY BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9205, the first deficiency bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 9205, the first deficiency bill, disagree to all Senate amendments, and ask for a conference. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from Iowa, who seeks to have the bill sent to conference, if the House can have any assurance that when the conference report is presented some of these exorbitant increases made in the other branch may perhaps not appear in the report.

Mr. BLANTON. I want to ask the gentleman from Massachusetts a question. Were these exorbitant increases put on the bill by a Democratic Senate or a Republican Senate?

Mr. MONDELL. They were asked for by a Democratic administration. [Applause on the Republican side.]

Mr. BLANTON. Well, it is time that a Republican House should sit down on them when they ask for extravagant estimates.

Mr. GOOD. Mr. Speaker, I will say to the gentleman from Massachusetts that when the conference report is presented I do not believe he will find in the bill any of these very large appropriations put on by the Senate. I am satisfied that the House would never agree to many of these large appropriations which have been put on by the Senate by way of amendment. If it means failure of the deficiency bill to agree to those, I am afraid there will be no deficiency bill.

Mr. WALSH. Of course, some are clearly not deficiencies.

Mr. GOOD. The gentleman is right; they have no place in a deficiency bill, and I do not believe for a minute that the conferees will seriously ask that they shall be retained in the bill.

The SPEAKER. Is there objection?

Mr. GALLIVAN. Reserving the right to object, can the chairman give any idea as to how soon the conferees might agree?

Mr. GOOD. I will say to the gentleman from Massachusetts that I have not met with the Senators who will be managers on the part of the Senate, and I do not know what their attitude is. I am only anxious that the conferees may get to work at the earliest possible moment, and I assure the gentleman that we will not delay the conference any longer than is necessary.

Mr. MONDELL. Reserving the right to object, and I shall not object, for I have such confidence in the conferees who will be appointed on the part of the House that I do not desire them to give any assurances in advance. I think they ought to go into the conference without instructions. I feel confident, however, that the House expects that the Senate additions to this bill will in a very great measure disappear from it when the conference report is presented. One of the largest items is not a deficiency item at all and has no business on a deficiency bill. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, everybody who has been here any considerable length of time knows that the House for some unaccountable reason thinks it is under obligation to vote for the previous question on bills, and also to vote for conference reports. Therefore there ought to be some assurance or arrangement by which Members can get a chance to vote on what they consider objectionable items in conference reports; and until Members get out of the delusion that they must vote for every conference report it ought to be the rule to permit the House to have ample time to vote on items and segregate them.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. GOOD, Mr. CANNON, and Mr. BYRNES of South Carolina.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2716. An act to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

ADJOURNMENT.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Thursday, October 23, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 78) authorizing the giving of credit for service in the junior and senior divisions of the Reserve Officers' Training Corps, reported the same without amendment, accompanied by a report (No. 400), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 176) providing for placing certain surplus Army medical supplies at the disposal of the American Red Cross, reported the same without amendment, accompanied by a report (No. 401), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8440) to restore to the public domain certain lands heretofore reserved for a bird reservation in Siskiyou and Modoc Counties, Calif., and Klamath County, Oreg., and for other purposes, reported the same with an amendment, accompanied by a report (No. 402), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 10107) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 403), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 2448) for the relief of certain officers of the United States Army, and for other purposes, reported the same with amendments, accompanied by a report (No. 405), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7227) granting a pension to B. F. Poe; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 10103) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: A bill (H. R. 10104) to renew patent No. 25909, the badge of the United States Daughters of 1912; to the Committee on Patents.

By Mr. HASTINGS: A bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. GOULD: A bill (H. R. 10106) authorizing the Secretary of War to donate to the village of Port Gibson, N. Y., a German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 10107) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. KAHN: A bill (H. R. 10108) for the establishment of an aeronautical experimental development and engineering plant for the Air Service; to the Committee on Military Affairs.

By Mr. GARLAND: A bill (H. R. 10109) increasing the tax on improved and unimproved land in the District of Columbia, and reducing the tax on improvements on such land; to the Committee on the District of Columbia.

By Mr. HOLLAND: Joint resolution (H. J. Res. 237) authorizing the establishment of a "free port," or "foreign-trade zone," at Norfolk, Va.; to the Committee on Ways and Means.

By Mr. HASTINGS: Joint resolution (H. J. Res. 238) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 10110) for the relief of Shelby Medical College, of Nashville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 10111) for the relief of Davidson County, Tenn., and the city of Nashville, Tenn.; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 10112) granting an increase of pension to Clara M. Z. Moore; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 10113) granting an increase of pension to James Dushane; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10114) granting a pension to Philip White; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10115) for the relief of Harvey R. Butcher; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 10116) granting an increase of pension to Samuel McAdams; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 10117) for the relief of Mrs. John Hanlon; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 10118) granting an increase of pension to George B. Yocum; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10119) granting an increase of pension to Margaret Osborn; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10120) granting an increase of pension to Joseph R. McKeever; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10121) granting a pension to Georgianna J. King; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10122) granting an increase of pension to Albert D. Clark; to the Committee on Pensions.

By Mr. LAYTON: A bill (H. R. 10123) granting a pension to Harry F. Hastings; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 10124) for the relief of Patrick Kennedy; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10125) granting an increase of pension to William Wheatley; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 10126) granting an increase of pension to Emily Anderdonk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10127) for the relief of Alvah Clement; to the Committee on Military Affairs.

By Mr. RAMSEY: A bill (H. R. 10128) granting a pension to Lillian S. Dodds; to the Committee on Invalid Pensions.

By Mr. RANDALL of Wisconsin: A bill (H. R. 10129) for the relief of Hans Peter Guttormsen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Editorial Association, indorsing the principle of zone postage on newspapers and urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of First Presbyterian Church of Mansfield, Ohio, protesting against the treatment of the Koreans by the Japanese; to the Committee on Foreign Affairs.

By Mr. FOCHT: Papers to accompany H. R. 9680, granting an increase of pension to Joseph R. Montgomery; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of Boston Council, No. 68, Knights of Columbus, of Boston, Mass., protesting against the ruling of the War Department that on and after November 1, 1919, the various war-work agencies must cease their work on behalf of our soldiers and sailors, and that such work is to be undertaken by the military authorities; to the Committee on Military Affairs.

By Mr. KEARNS: Petition of the Gilbert Grocery Co., of Portsmouth, Ohio, relating to House bill 5123; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Resolutions adopted by the Placer Chapter of the Native Daughters of the Golden West, of Lincoln, Calif., urging the prohibition of immigration from the oriental countries and submitting a set of propositions to bring about this desired result; to the Committee on Immigration and Naturalization.

Also, letter from Hascalls, of San Jose, Calif., requesting that the tax on candy, ice cream, and soft drinks be repealed; to the Committee on Ways and Means.

Also, letter from the Normandy Sea Food Co., of San Diego, Calif., indorsing H. R. 8422, recording of mortgages on vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWAN: Petition of Thomas P. Cummings, of New York, favoring the passage of House bills 6577 and 6659; to the Committee on Ways and Means.

Also, petition of J. F. Hemenway, of Irvington, N. J., favoring the passage of House bills 5011, 5012, and 7010, relating to patents; to the Committee on Patents.

Also, petition of Foster-Milburn Co., of New York, protesting against the passage of House bill 5123; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of United States Customs Inspectors, of New York, favoring the passage of House bill 6577; to the Committee on Ways and Means.

Also, petition of J. P. O'Connor, secretary Michael Davitt Branch, Friends of Irish Freedom, of New York, N. Y., requesting the Congress of the United States to recognize the Irish republic; to the Committee on Foreign Affairs.

Also, petition of R. W. White, chief yeoman, United States Navy, favoring legislation increasing petty officers' pay; to the Committee on Naval Affairs.

Also, petition of George T. Taylor, of New York, favoring the passage of House bills 4987 and 6688; to the Committee on Military Affairs.

Also, petition of Sara L. Rhodes, of New York, favoring the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of the National Editorial Association, urging Congress to continue the present zone postage law in operation; to the Committee on the Post Office and Post Roads.

Also, petition of Bernhard Ulmann Co. (Inc.), of New York, favoring the passage of House bill 8078; to the Committee on Ways and Means.

By Mr. SINCLAIR: Resolution of mass meeting of railway employees of all crafts at Mandan, N. Dak., unanimously indorsing the Plumb plan for railroad ownership and control and condemning the Cummins bill and like measures as tending to drive liberty-loving Americans to desperation by reducing them to slavery; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local System Federation, of Mandan, N. Dak., protesting against proposed bills to make slaves of railroad employees and declaring the Plumb plan the only solution to the railroad problem; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, October 23, 1919

(Legislative day of Wednesday, October 22, 1919).

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Johnson, Calif.	Moses	Robinson
Capper	Kendrick	New	Sheppard
Curtis	Keyes	Newberry	Sherman
Dial	Kirby	Norris	Smoot
Dillingham	Knox	Nugent	Spencer
Fletcher	Lenroot	Overman	Sutherland
Frelinghuysen	Lodge	Penrose	Thomas
Hale	McCumber	Phipps	Walsh, Mont.
	McNary	Polindexter	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. HITCHCOCK, Mr. McLEAN, Mr. MYERS, Mr. POMERENE, Mr. SMITH of Georgia, Mr. SMITH of South Caro-